

LAW AND ORDER IN OUDH, 1856-77

by

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Abstract

This thesis presents a study of the problems of law and order and the branches of the administration which tackled them in Oudh from its annexation in 1856 until its amalgamation with the North-Western Provinces in 1877.

It has been demonstrated that an efficient and forward-looking administration could not be established in Oudh before the outbreak of the Revolt of 1857; that the administration contrived to alienate all sections of the people during the first seventeen months of its rule. The policy of reconciliation, backed by coercion whenever necessary, and the development of an elitist bias in policy with a view to the rapid restoration of order and the pacification of the province after its reoccupation have been traced and analysed.

The development of a more efficient and economical police system, which set the pattern of police reform in India, had been discussed. The principal defects of the new police have also been analysed.

Changes in the judicial system have similarly been assessed - the abandonment of the non-regulation system, decentralisation, the appointment of Honorary Magistrates and attempts to devise appropriate scales of punishment.

A statistical analysis of crimes has been presented. The factors giving rise to crime in general, and the various categories of crime, their extent and regional and social distribution have been analysed.

The success of the Oudh administration in all these fields has been assessed while its failures have been recognised.

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ABBREVIATIONS

AAR	Annual Report on General Administration
ASCC	Assistant Secretary to Chief Commissioner
ASFD	Assistant Secretary to the Government of India, Foreign Department,
BL	British Library
CC	Chief Commissioner
Cons.	Consultations
CR	Commissioner (followed by the name of the Division)
CrJAR	Annual Report on the Administration of Criminal Justice
DC	Deputy Commissioner (followed by the name of the District)
DSCC or DySCC	Deputy Secretary to Chief Commissioner
DySFD	Deputy Secretary to the Government of India, Foreign Department
FC	Financial Commissioner
FD	Foreign Department, Government of India
FGenC	Foreign General Consultations, National Archives of India
FJC	Foreign Judicial Consultations, National Archives of India
FJPr	Foreign Judicial Proceedings, National Archives of India
FPC	Foreign Political Consultations, National Archives of India
FPPr	Foreign Political Proceedings, National Archives of India
FRPr	Foreign Revenue Proceedings, National Archives of India
FSC	Foreign Secret Consultations, National Archives of India
FSPr	Foreign Secret Proceedings, National Archives of India
GD	General Duties
GG	Governor General
HD	Home Department, Government of India
HJC	Home Judicial Consultations, National Archives of India
HJPr	Home Judicial Proceedings, National Archives of India
HPC	Home Police Consultation, National Archives of India
HPPr	Home Police Proceedings, National Archives of India
IFGenPr	India Foreign General Proceedings, India Office
IFJPr	India Foreign Judicial Proceedings, India Office
IG	Inspector General
IJPr	India Judicial Proceedings, India Office

IOR	India Office Records
IPFPr	India Political and Foreign Proceedings, India Office
IPPr	India Police Proceedings, India Office
ISPr	India Secret Proceedings, India Office
JAR	Annual Report on Judicial Administration
JC	Judicial Commissioner
JSCC	Junior Secretary to Chief Commissioner
K.W.	Keep With
MSCC	Military Secretary to Chief Commissioner
NAI	National Archives of India
NWP	The North-Western Provinces
PA	Personal Assistant
PAR	Annual Report on Police Administration
p. c.	per cent
Progs.	Proceedings
p. s. m.	per square miles
SCC	Secretary to Chief Commissioner
SFD	Secretary to the Government of India, Foreign Department
SFinlD	Secretary to the Government of India, Financial Department
SGP	Secretary to the Government of Panjab
SHD	Secretary to the Government of India, Home Department
SNWP	Secretary to the Government of the North-Western Provinces
SOS	Secretary of State for India
SP	District Superintendent of Police
SPWD	Secretary to the Government of India, Public Works Department
USFD	Under Secretary to the Government of India, Foreign Department
USHD	Under Secretary to the Government of India, Home Department

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D.B.T.

CHAPTER 1

Introduction

The administration of law and order was one of the two principal concerns of British government in nineteenth century India; the other was the assessment and collection of revenue. The present work attempts a study of the problems of law and order in Oudh after its annexation by the British. The province is of particular interest for such a study. At few places in India had law and order broken down so completely in the nineteenth century as in the Kingdom of Oudh. In fact the sufferings of its people and the insecurity of their life and property was put forward by Lord Dalhousie's government as the principal reason for its annexation.¹

The story of misrule in Oudh extended over a period of more than a century. The administration of Oudh had constantly deteriorated since the death of Shujauddaula in 1775, except perhaps for the period of the rule of Sadat Ali from 1798 to 1814. The rulers gradually lost interest in public affairs and withdrew themselves within the confines of their palaces. They had been made secure in the continuation of their rule as a result of a series of treaties with the Company, commencing with the Treaty of Allahabad in 1765, though in the process, they lost more than half of their territories. Such an absolute security against all enemies, domestic as well as external, made them complacent and unmindful of their subjects' welfare. The treaty with the British had made them disproportionately powerful vis-à-vis their subjects; the latter, thus, had been deprived of the possibility of revolt. Henry Lawrence had noticed this feature of the system of subsidiary alliances; he wrote, 'The man,

1. GG to King of Oudh, IPFPr, 6 June 1856, Rizvi and Bargava, Freedom Struggle in Uttar Pradesh, i, 94-98; Proclamation B, published on 7 February 1856; Bhatnagar, G.D., Awadh Under Wajid Ali Shah, 246-50.

whether King or servant, who has no fear, has no hopes. The man who is not called on for exertion must be almost more than mortal if he bestirs himself.'² The Kings of Oudh were, as a result engrossed in sensual pursuits and ceased to take much interest in the affairs of their realm. Moreover, they were often subjected to all types of interference by a series of strong-willed Residents.

The public business was left to the care of selfish and corrupt functionaries, who were often appointed for considerations other than their suitability and capabilities. During the regime of the last King, Wajid Ali Shah, many commanders of regiments of the army, superintendents of construction and even judges were appointed from among the favourite artistes of the Royal Court and eunuchs of the Royal Household.³ Almost every office, high or low, was 'sold' to the highest bidder or was granted to the favourites and minions of the persons in power.⁴ Most of such persons lacked the sense of public service and were conscious of the insecurity of their tenure. They naturally tried to make hay while the sun of their patrons' favour shone; the favour of Kings and darbars had notoriously been too fickle to be relied on for any considerable length of time.

As the grip of the central government weakened and as private and selfish interests took precedence over affairs of state, law and order deteriorated. The principal landholders, the Taluqdars, defied the authority of the government and criminals indulged in

2. Lawrence, H., Essays on the Indian Army and Oudh, 290.
3. Bhatnagar, op.cit., 232-34. Bhatnagar compiled a list of the principal artistes and eunuchs who held high offices.
4. Resident to SFD, 15 March 1855, IPFPr, 28 December 1855, 312.

their activities with impunity. The maintenance of peace and tranquility was one of the principal duties of the Chief Minister.⁵ The last incumbent of that high office,, Ali Naqi Khan, was a worthless and corrupt man of mediocre ability.⁶ He did not enjoy the good opinion of anyone, except perhaps the King, and was regarded as 'a great knave' by the Resident as well as the people.⁷ He proved to be very unequal to the task of enforcing law and order in the realm.

The reports of Colonels Sleeman and Outram have been the principal source of information about the state of affairs in Oudh during the reign of the last King. They had in the main persuaded the authorities in Calcutta and London to annex the Kingdom. These reports have been subjected to criticism by many writers as regards their aims, methods and underlying assumptions.⁸ Many writers have also questioned the wisdom, justice and expediency of the annexation of Oudh on the basis of these reports. The present study, however, is not concerned with these questions; their examination is outside its scope.

But whatever may be said of the motivations of Sleeman and Outram, the nature of the sources of information used by them and their method of compiling their reports, the fact that law and order had

5. Bhatnagar, op.cit., 186.

6. Ibid., 39.

7. Ibid., 152; Sleeman, Journey Through the Kingdom of Oudh, ii, 387.

8. Butler, S.H., Oudh Policy, 24-5; Bird, Dacoitee in Excelsis; Bhatnagar, op.cit., 79-81 and 103-111; Reeves, Sleeman in Oudh, 14-15; Pemble, The Raj, the Indian Mutiny and the Kingdom of Oudh, 96-108; Rahim, Lord Dalhousie's Administration of the Conquered and Annexed States, 188-97, and 303-12.

broken down in Oudh emerges clearly and unmistakably from them; and also that the King's government would not, or in fact could not, ensure the security of life and property of its subjects. Critics have not seriously and adequately noted the numerous examples of disorders, oppression and tyranny on the part of public servants, and the atrocious crimes committed with impunity by criminals.

John Pemble, however, seems to question both the accuracy and the nature of the violent crimes reported in a tabular form by Outram in his report.⁹ Besides committing some factual errors, Pemble gives inadequate reasons for concluding that 'there is, in fact, little to support the claim that criminal activity in Oudh was more widespread than elsewhere'. His view that many of the violent acts of killing, wounding, abduction, plundering and burning of villages' would be classified as civil disobedience in the Panjab', seems legalistic. Such crimes, even if they had political overtones and motivation, would still be classified as violent and heinous crimes. Moreover, the government officials, too, committed such crimes. Sleeman and Outram mentioned numerous cases which had rarely been questioned by their critics, in which the government functionaries were guilty of identical crimes in the course of the discharge of their official duties. Even if all the crimes of a violent and heinous nature that occurred in Oudh before the annexation had the character of 'civil disobedience', the conclusion would still be that law and order had broken down in Oudh.¹⁰

9. See table 6.14.

10. Outram to SFD, 15 March 1855, and Appendix E of the Report, IPFPr, 28 December 1855, 312 and 317. Pemble commits a factual error when he concludes that there were only 628 murders annually. He ignores the occurrence of 651 cases every year which were indiscriminately described as 'killed and wounded'. Moreover, Outram took care to mention that he had included in his calculations only two cases wherever the word 'several' was used to enumerate crimes in the diaries of the Residents. Surely 'several' must often have indicated more than two cases. Vide Pemble, op.cit., 105.

Crime flourished in Oudh during the closing years of the King's rule. Particularly violent crimes, such as rioting, gang dacoity and murder, were common. Sleeman's report is replete with examples of atrocities committed by bad characters, Taluqdars and corrupt and oppressive officers. The annual number of the worst crimes contained in Outram's table substantiate the impression created by Sleeman's report. Moreover, Outram had given good reasons to believe that his figures greatly underestimated the actual state of crime. Reports of a very large number of crimes never reached Lucknow due to the venality of news writers. About 150 dacoities were committed each year and on average nearly 1,575 persons were annually killed and wounded.

The institutions of government to deal with crime and its perpetrators - police, criminal courts and prisons - either did not exist in many parts of the realm on the eve of its annexation, or where they existed they were too inadequate, corrupt and inefficient to be of any practical value.

The Oudh government maintained some police establishment in urban areas. The Chief Minister appointed Kotwals in the cities of Lucknow and Faizabad. Thanadars were the principal police officers in other towns. In the vast rural areas of the kingdom there was no regular police worth the name. Theoretically the Nazims, or provincial governors, were responsible for the administration of police in their charges.¹¹ They were supposed to maintain a police establishment, which they rarely did; whatever men were kept for the purpose were more a source of oppression than

11. Reeves, P.D., Sleeman In Oudh, 118.

protection for the people.¹² When any major problem of law and order came up, the Nazims and other officers used armed force to resolve it. There was truth in the estimate of a British officer in the service of the King that there was hardly 'any Police establishment...unless the thanas placed in some of the principal towns can be called by that name.'¹³

There was, however, a tolerably efficient police organisation, the Oudh Frontier Police, consisting of 900 men in all. It functioned under the control of the Resident though it was paid by the Oudh government. Its main function was to guard the frontier of Oudh and to apprehend criminals from British territory who took shelter in Oudh. It did not normally interfere in the internal administration of law and order in Oudh.¹⁴

The Taluqdars and other landholders tried to protect life and property in their estates. The large and powerful Taluqdars, such as Man Singh, maintained order in their estates effectively as it was in their interest to keep their tenants, the main source of their power and wealth, contented.¹⁵ The landholders paid and maintained Chaukidars. In fact the Chaukidars were the only class in the countryside who discharged the police functions of detecting crime. They had to reimburse the value of the stolen property if they could not detect the thieves.¹⁶

The judicial system was also in a great disarray. Theoretically the King was the fountain of justice. But he rarely took any

12. Bunbury to Outram, 1 January 1855 and A. Orr to Outram, 9 January 1855, IPFPr, 28 December 1877, 314.

13. P. Orr to Outram, 5 January 1855, IPFPr, 28 December 1855, 314.

14. Bhatnagar, op. cit., 187-89.

15. Reeves, op. cit., 23.

16. AAR, 1861-62, Appendix O; SCC to IG, 20 July 1863, IPPr, April 1864, 25.

interest in such matters.¹⁷ There were regular courts at the capital. Its Kotwal was the chief magistrate of the city. But Ali Beg, the Kotwal, was notoriously corrupt. He was reputed to be enormously in debt and only his official position kept his creditors at bay.¹⁸ There were hardly any regular courts of justice outside the capital. According to Sleeman's estimate in 1849 the whole judicial establishment in the Mufassal consisted of 61 persons at an aggregate monthly pay of 1,306 rupees.¹⁹ The Nazims exercised criminal jurisdiction within their charges. Most of them were corrupt and had little inclination to dispense justice promptly and impartially. Because of the corruption and venality of these officers, the poor man 'seldom obtains justice and is a prey to the rich and powerful.'²⁰

The Taluqdars administered a summary kind of justice in their estates. If the local Nazim was friendly to them, they might take his help in important cases to give their decisions a show of legality.²¹ Some power of administering justice was always exercised by even weak Taluqdars and other landholders.²² They were the only people to whom the ordinary people could take their disputes without fear of being mulcted.

17. Bhatnagar, op.cit., 81.

18. Appendix D of Outram's Report of 1855, IPFPr, 28 December 1855, 316.

19. Minute of GG, 18 June 1855, IPFPr, 28 December 1855, 319. G.D. Bhatnagar, relying on Jawabat-i-Blue Book, asserts that there were twelve Divisional courts in the interior. But it is debatable how much reliance can be placed on the Jawabat which was written in 1857, presumably by some monarchist, to justify the King's rule. Its unreliability is accentuated by the fact of the anonymity of its author.

20. A.Orr to Outram, 9 January 1855, IPFPr, 28 December 1855, 314.

21. Bhatnagar, op.cit., 184.

22. Montgomery Report on Administration, 117, IPFPr, 27 May 1859, 366A.

The prison system was inadequate and inefficient. The jails at Lucknow were under the management of the Kotwal.²³ In the Mufassal a few rooms were attached to each thana to serve as local jail. The prisons had become an instrument of oppression. Often prisoners were detained indefinitely without trial.²⁴ There were 1,140 prisoners in jail at the time of annexation. The Judicial Commissioner had to labour for months to scrutinize the cases of those prisoners.²⁵

But the worst of all was the system of intelligence. Akhbar Navis or news-writers were appointed in the interior to report on every serious crime, on the activities of public functionaries and on other notable events. They were notoriously corrupt. They generally acted in collusion with corrupt officers. For a consideration, they sent any report which suited their 'clients'; almost every government officer and criminal in their area had to pay them for preventing their misdeeds from coming to the notice of the authorities at Lucknow.²⁶

In the preliminary period of British rule up to the outbreak of the Revolt, the main problems that have been examined in the present work are the principal elements of danger to law and order in the province and the nature and quality of the agencies established to meet the threats to peace and tranquillity. An attempt has been made to estimate the success, or otherwise, of the administration in

23. Bhatnagar, op.cit., 186.

24. Ibid.

25. JC to SCC, 19 November 1856, IPFPr, 24 April 1857, 298; JC to SCC, 1 December 1856, IPFPr, 24 April 1857, 309.

26. Outram to SFD, 15 March 1855, IPFPr, 28 December 1855, 312.

establishing order in the province. A great difficulty in the study of the pre-Mutiny period of British rule in Oudh was posed by the fragmentary nature of the records available. The Revolt was followed by a wholesale destruction of official records by the rebels. No periodical reports of various aspects of administration had been made before the outbreak. However, the historian today is benefitted to a large extent by the unfortunate and unseemly quarrels between Coverley Jackson and his subordinates during the eleven months of his stewardship of the province. A large volume of documents were forwarded to Calcutta by all the parties to the quarrels in support of their arguments or in rebuttal of those of their opponents. Such documents proved to be invaluable in forming a coherent picture of the affairs of Oudh during the period.

A discussion of the causes and events of the Revolt in Oudh has been left out for two reasons. First, they have been fully thrashed out by various writers. Secondly, the present work is confined to the problems of law and order faced by the civil government of the province. It had become an enemy territory after the outbreak for the British Government, and it was actually treated as such. It had to be reconquered by the army before it could be reoccupied. After the resumption of civil administration at Lucknow in March 1858, the Oudh Commission faced the stupendous task of the reestablishment of law and order and the pacification of the province. This study focusses attention on the policies adopted and the agencies used by the local civil administration to attain these aims.

In the period between the return of the province to normalcy in 1859 and its amalgamation with the North-Western Provinces this study

is concerned with the law-enforcing agency, the police, and the administration of criminal justice. A need for the reform of the police had long been felt in India. The Revolt underscored the need for such reforms. Oudh as a new province, recently reconquered after a grim and determined rebellion, was ideal for the experimentation with, and development of, new ideas of police. Moreover, the disturbed condition of the province provided an opportunity to test the efficacy of the new ideas. An effort will be made to analyse the new police system in Oudh. The principal problems faced in its organisation such as its relations with the magistracy, the degree of cooperation that it gained from the people, the corruption and oppression committed by its members have also been explained.

Among all the British institutions introduced in India, perhaps the judicial system invoked the greatest dislike from the people and aroused the greatest dissatisfaction among them. After the suppression of the Revolt the Government of India made a determined effort to rid it of its most objectionable features. Some of the new experiments were tried in Oudh in this branch of administration also. An interesting experiment, having far reaching implications, was to decentralise the judicial machinery by appointing Honorary Magistrates from among the principal landholders. An attempt has been made in the thesis to analyse this experiment. It is further proposed to study how far the system of criminal justice was simplified and how far it was adequate to meet the needs of the province. Attention has also been focussed on the nature and type of judicial punishments awarded in the province.

Crime and violence have been present, in more or less degree, in all societies in all ages. But this aspect of social behaviour in India in the past has generally been ignored by historians. Annual General Administration Reports, Jail Administration Reports and Police Administration Reports of all the provinces in India contained sufficiently detailed statistics on crimes and provide good data for an empirical study of criminal behaviour. Still the treatment of crime in Indian historical studies has been scanty and sometimes normative.

An empirical study of crime in Oudh during the period under review will be attempted in this study. A mass of statistical data from the annual reports, the Census Report of 1869, and the Gazeteer of the Province of Oudh has been marshalled, sifted and analysed. Two basic questions automatically present themselves. First, what do the available statistics reveal of any trends and patterns of criminal behaviour in the people of Oudh? Secondly, how can any such trends and patterns be explained on the basis of the available sources? These two purposes only give direction to the study of crime presented here. Every effort has been made to resist the temptation to formulate loose hypotheses on the basis of insufficient data. Of course, moral judgements have been carefully avoided. An attempt has also been made to stay close to the available data avoiding over-sophisticated data manipulation techniques; the amount of data requisite for very sophisticated manipulation is not available. Therefore, the analysis of trends and patterns, which is presented in this study, is simple and visually verifiable through charts, maps and tables. Needless to say, a profuse use of such illustrative aids has been made.

Oudh, as the most controversial and unprovoked annexation of Lord Dalhousie, and later as the seat of the Revolt of 1857-58, with a wider participation of civil population in it than in any other province, has always attracted the attention of historians. But its administrative system after its annexation to the British empire, especially after the reoccupation in 1858, had not attracted much attention till recently. The only feature of the administration that has been subject to detailed study has been its peculiar land system.

The problems of law and order in Oudh received scant notice from historians before 1965. Thomas Metcalf, in his The Aftermath of Revolt: India, 1857-1870, has analysed some aspects of these problems. His discussion of the reinstatement of the Taluqdars of Oudh after the reoccupation and the overwhelming official support in favour of the non-regulation system of the Panjab after the Revolt is particularly interesting. He had skilfully brought out the changes in the system and official attitudes caused by the momentous events of 1857-58.

T.P. Chand has devoted one chapter of his Administration of Oudh (1858-1877) to the police and one chapter to the judicial administration. As he attempted to study all the branches of administration in his book, his treatment of the problems involved in the administration of law and order was limited in scope as well as in depth. J. Pemble, in The Raj, the Indian Mutiny and the Kingdom of Oudh, 1801-1859, discusses some of the administrative problems of Oudh after its annexation. But Pemble devotes only a small portion of his book to the administration of Oudh in the period covered by the present work.

Among histories of the Indian police we should note J. C. Currys' The Indian Police, Sir P. Griffiths' To Guard My People, the History of the Indian Police, N. A. Razvi's Our Police Heritage and A. Gupta's Crime and Police in India up to 1861. But these authors made only a passing reference to the Oudh police. Their accounts are based mainly upon the speech which Bartle Frere made in the Legislative Council while moving the Police Bill for consideration in September 1860. They seem to ignore the important fact that the Police Commission of 1860 in its recommendations and Act V of 1861 were more influenced by the police experiment in Oudh, than that of any other province. Gupta's omission of a proper notice of the Oudh experiment is all the more surprising as his book is a specialised study of the development of police in India up to 1861.

This study is based upon the official proceedings and despatches, preserved in India and in London, and several collections of private papers. It is fortunate that the private papers of several persons who had served in Oudh, such as Sir Henry Lawrence, Sir James Outram, Colonel Bruce, George Campbell, George Yule, Major Hutchinson and Lieutenant Chamier are available for study. They have been particularly useful. The private papers of the Governors General such as Dalhousie, Canning and John Lawrence have been very helpful in understanding the problems involved. On their basis it has been possible to make a coherent study of the problems connected with law and order in Oudh.

CHAPTER 2

The First Attempt at the Administration of Law and Order, 1856-57

The Kingdom of Oudh was annexed to the British empire by a proclamation issued by Major General James Outram on 7 February 1856 at noon.¹ The King had earlier refused to transfer the administration by a formal treaty.² This made the task of annexing the territory of an old and faithful ally more unpleasant and the work of setting up the new administration less convenient. Outram, however, plunged himself wholeheartedly into the performance of his new duties. The pressure on him was often so great that he could not spare enough time even to read the instructions of the Supreme Government.³ The process of organising an efficient administration was still continuing when it was abruptly interrupted seventeen months later by the outbreak of the Revolt of 1857-58. During this short period, the new administration had to face the task of setting up an administrative structure; a system of revenue administration, which was alien to the province, had to be constituted; the province had to be pacified and law and order had to be restored among a people who were supposed to be among the most unruly in India; and, above all, the confidence and loyalty of the people had to be won. These were difficult tasks and the record of the new administration in performing them did not prove to be a successful one.

1. Outram to Courtenay, Telegram, 8 February 1856, Dalhousie Papers, 88. The proclamation was published in the Calcutta Gazette on 11 February (Vide SFD to CC, 28 February 1856, IPFPr, 13 June 1856, 202). By a curious mistake Robert Montgomery, who succeeded Outram as the Chief Commissioner in 1858, mentioned in his General Report on the Administration of Oudh (IPFPr, 27 May 1859, 366A), the first report of the kind, that the province was annexed on 6 February 1856. This incorrect date was adopted from his report in many of the later papers. All documents of February 1856 are, however, unanimous that annexation was carried out on 7 February 1856.
2. CC to SFD, 7 February 1856, IPFPr, 6 June 1856, 204.
3. Couper to Edmonstone, 20 February 1856, Dalhousie Papers, 180/I.

The Government of India had specifically directed Outram, the Chief Commissioner, to set up an administration in Oudh that was closely modelled on the system developed in the Panjab.⁴ This injunction was quite frequently repeated in later communications. The fact that the two provinces were not similar in many vital respects was overlooked by the government. The circumstances of the annexation of the two provinces were entirely different. The Panjab was annexed as a result of two hotly contested wars in which the Khalsa armies were defeated but did not disgrace themselves. Oudh, on the other hand, was annexed by removing its effeminate king and his corrupt court by a proclamation in spite of its having been an embarrassingly faithful and subservient ally for nearly a century. The different circumstances of the two annexations led to vital differences in the outlook of the officers responsible for setting up the new administrations in the two provinces. John Lawrence, with seeming justice, could give the conquered people of the Panjab the choice to be ruled either by the pen or the sword.⁵ His brother, Henry, was removed from the Panjab essentially because of his advocacy of better treatment for the local aristocracy who so recently had engaged in a struggle with the British. In Oudh, on the other hand, the consciousness of having removed a thoroughly faithful government had made the Government of India anxious to conciliate all sections whose interests had been affected by the annexation.⁶ No great class of the people was considered to be the enemy of the new regime.⁷ The fact of peaceful annexation was a powerful argument against disarming the people of Oudh.⁸ The employees of the late government were to be given preference in employment under the new administration.⁹ The peaceful annexation was also responsible for the attitude of many

4. SFD to CC, 4 February 1856, 3, IPFPr, 6 June 1856, 193.

5. Edwardes, M, The Necessary Hell, 171.

6. SFD to CC, 4 February 1856, 128, FPC, 6 June 1856, 193.

7. Minute of J.P. Grant, 18 June 1856, IPFPr, 26 September 1856, 381.

8. SFD to CC, 4 February 1856, 125, FPC, 6 June 1856, 193.

9. Minute of Grant, 18 June 1856, IPFPr, 26 September 1856, 381; CR Faizabad to SCC, 6 May 1856, IPFPr, 26 September 1856, 394.

officers who tended to take the people for granted; many of them made little attempt to win their confidence.

The Panjab was much more vast and sprawling than Oudh but the density of population in Oudh was much greater than in the Panjab. The composition of the population also differed significantly. The Panjab was largely inhabited by a great class of yeomen.¹⁰ After the suppression of the power of the defeated aristocracy in the early years of British rule, there was hardly any other class connected with the land which could overshadow their interests and rights. The stereotype of the hardy and straightforward peasant had some basis in socio-economic conditions prevailing in the Panjab. Soil and climate were such that men had to struggle hard for subsistence. As a result, the people of the Panjab had a considerable degree of independence of character. They were comparatively free from the foolish pride of race or caste. On the other hand, there was a large and powerful aristocratic class in Oudh which was proud and accustomed to dominate over those below it. The lower classes were often downtrodden and were without much independence of character and judgement. Class and caste barriers were strong and well defined among the people. They were not used to protect, or even understand, their rights.¹¹

The establishment of the non-regulation system in the Panjab marked an important landmark in the administrative history of British rule in India. After a series of experiments by Warren Hastings, Cornwallis, through his judicial regulations of 1793, established in Bengal the rule of law, instead of persons, in accordance with English notions. He separated the executive from the judiciary in an effort to secure the people and their property from injury by the former. Under his system, the administration was to be based on, and to be conducted in accordance

10. Campbell, G., Memoirs of My Indian Career, ii, 388.

11. Ibid.

with, elaborate and detailed regulations, to which the officials and the people were equally bound. Courts were established on the same lines in Madras and Bombay. Although some modifications were made in the Cornwallis' system in Madras by Munro and in Bombay by Elphinstone, they were in matters of detail. The essential features of the regulation system - the rule of law and the separation of the executive from the judiciary - remained substantially unaltered.

The reforms of Cornwallis were conceived in haste without proper enquiry about their expediency. In one sweep, he abolished the existing order and brought in a very technical and elaborate system, imported and planted in an alien soil. The new system made the administration of justice too complicated and too costly for the common man. It was felt that the executive was too much hemmed in by the regulations to have any scope for individual initiative and discretion. It was distasteful to those administrators who wanted the establishment of a patriarchal government by district officers. The creation of the two independent offices of collector and judge in each district was unpalatable to those who wanted to establish a strong, though benevolent, authoritarian administration. The regulation system 'appealed neither to conservative paternalist nor to radical reformer'.¹² In fact the system was not very popular with administrators outside the Lower Provinces.

The large scale annexations in the 1840's and 1850's provided an opportunity for the experimentation and elaboration of a new system based on a more personal rule by the officers than that was possible under the regulation system. It was initiated in Sindh after its annexation but it was fully evolved and perfected in the Panjab under the two Lawrences. Under it the collector and the judge were merged in the person of a new genre of officer, called the Deputy Commissioner.

12. Metcalf, T.R., The Aftermath of Revolt, India, 1857-70, 249-50.

His superior, the Commissioner, also performed both executive and judicial duties. The regulations were not extended to the new province; the officers were to enforce only their spirit. The Deputy Commissioner exercised the widest authority in his district, limited only by his own sense of duty, discipline and benevolence. The Panjab system was perfected under the most brilliant set of officers assembled in any one province at the time and became the standard system to be applied to the extensive territorial acquisitions of Dalhousie including Oudh.

The officers of the Oudh Commission were analogous to those of the Panjab and were assigned similar functions and powers. The Deputy Commissioner, the head of the district administration, was the kingpin of the administrative structure. He was the full representative of the government in his district and all the functions of government were concentrated in his hand. He was the head of the local police and the magistrate of the district.¹³ He could hear appeals against the judgements of the subordinate magistrates.¹⁴ He was provided with two or three Assistant and Extra Assistant Commissioners to help him.¹⁵ The Deputy Commissioners of Lucknow and Faizabad were also provided with a Special Assistant each as City Magistrate.¹⁶

The Commissioners of the four divisions were the immediate superiors of the Deputy Commissioners of the three districts under their charge. They were also to combine both the functions of the government, the executive and the judiciary, in their hands. They were to try serious offences as Sessions Judges and to supervise the police as Superintendents.¹⁷

13. SFD to Outram, 4 February 1856, 5 and 197-112, FPC, 6 June 1856, 193.

14. Ibid., 114.

15. Ibid., 5 and 113-18.

16. Ibid., 5.

17. Ibid., 5 and 101-106.

The Commissioners were middle range officers and acted as the links between the administration and the district officers, and, as such, their office was not of key importance in the administrative structure.

The Chief Commissioner and his two principal colleagues, the Financial and the Judicial Commissioners, formed the head of the local administration. The Financial and the Judicial Commissioners were the heads of their departments.¹⁸ The latter constituted the ultimate court of appeal in the province, though he had to refer all sentences of capital punishment to the Chief Commissioner for his concurrence.¹⁹ As the chief executive of the province, the Chief Commissioner was vested with 'plenary control and authority' over all the departments of the government and was to be the ultimate referee in all matters of administration.²⁰

The line dividing the functions of the Chief Commissioner and his two principal colleagues was not distinct. Moreover Oudh was a much smaller province than the Panjab and its Chief Commissioner had no political functions in relation to Indian states, unlike the Chief Commissioner of the Panjab. As a result there was ample scope for an unwise and interfering Chief Commissioner to create problems, as later events were to prove.²¹ The Government of India, after realising that Oudh did not have enough work for the three officers and, also the potential of the situation for mischief, did not revive the office of the Financial Commissioner after the Revolt.²²

18. Ibid., 80-99.

19. Ibid., 69 and 83.

20. Ibid., 67-69.

21. See pp. 22-24, infra.

22. SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

Officers under the non-regulation system were necessarily vested with a large discretion. Senior officers were cautioned to be careful that they did not overstep the limits of sound discretion.²³ The success of the system depended very largely on the discreet behaviour, judgement and initiative of all the officers. The success of any system depends greatly on the quality of the agency that works it; it was all the more so in the non-regulation system. Oudh had more than the usual share of inefficient, inexperienced and mediocre officers. The extensive annexations of the eight years of Dalhousie's government and the Crimean War had caused a great shortage of efficient civil and military officers. The Supreme Government had experienced great difficulty in composing the Oudh Commission.²⁴ The salary structure of the Panjab and Oudh Commissions was inadequate to compensate for the labour and exposure inevitable in a new province.²⁵ Many of the officers selected for Oudh had to be forced to go there against their wishes.²⁶ Canning, too, found later that many officers would not go to Oudh due to the poor prospects in the province.²⁷ As a result many of the officers selected for Oudh were young and inexperienced.²⁸

As it turned out many officers posted to Oudh were not suitable for their new positions. Martin Gubbins, the Financial Commissioner, was highly strung, dominating, self-willed, unstable and prone to overstep his authority. He collided violently with Coverley Jackson who was endowed with similar defects of character and personality. M.C. Ommaney, the Judicial Commissioner, had had very limited judicial experience, although he constituted the ultimate tribunal in Oudh.²⁹ Though jealous

23. SFD to Outram, 4 February 1856, 21 and 52, FPC, 6 June 1856, 193.

24. Minute of GG, 13 February 1856, 63, FPC, 6 June 1856, 210.

25. *Ibid.*, 54; Campbell, G., Modern India, 253; C. Raikes to Ricketts, 4 October 1856, Rizvi and Bhargava, Freedom Struggle in Uttar Pradesh, i, 173.

26. Courtenay to Outram, 11 February 1856, Outram Papers, 6308-44-101.

27. Canning to Jackson, 3 June 1856, Canning Papers.

28. Campbell, G., Memoirs of My Indian Career, ii, 388.

29. Jackson to Canning, 18 December 1856, Canning Papers.

of the interference of others in his sphere, he was fond of interfering himself.³⁰ His control and supervision of his subordinates was not very effective.³¹

Among the four commissioners, J. G. Christian was impatient of control and was prone to overstep his authority. He acted in a partisan manner in the quarrels among his superiors.³² Colonel Goldney's division was considered to be the worst administered in Oudh.³³ Out of the twelve Deputy Commissioners, four had to be removed from their positions within a few months for inefficiency, incompetence, and, in one case, official misconduct. Three of them, Captains A. and P. Orr and Bunbury were taken from the service of the King. They confessed their incompetence arising out of inexperience.³⁴ As a result they were demoted to lower positions in the administration. C. B. Denison was punished by removal for misconduct.³⁵ The fact that the government had to regret the selection of the one-third of the Deputy Commissioners exhibits the poor selection of the officers for Oudh. This was all the more unfortunate as the Deputy Commissioners had to function as the mentors of the young and raw Assistant Commissioners learning their duties.

What was worse, the officers were imbued with civilian insolence.³⁶ The people were constantly subjected to 'their arrogance, their insolence and their bullying demeanour.'³⁷ Complaints about the 'inflated

30. Lawrence to Bernard, 7 April 1856, Henry Lawrence Collection, 40C.

31. Ibid; Canning to Lawrence, 15 March 1852, Canning Papers.

32. Lawrence to Canning, 20 March 1857, Canning Papers; Jackson to Canning 10 June 1856, Canning Papers; JC to SCC, 15 January 1857, IPFPr, 27 November 1857, 94; FC to SCC 14 May 1856, FPC, 24 April 1857, 165.

33. FC to CR Faizabad, 4 August 1860, IPFPr, 24 April 1857, 21; Jackson to Canning, 22 August 1856, Canning Papers; Ommaney to Outram, 15 June 1856, Dalhousie Papers, 180/I.

34. SCC to SFD, 4 August 1856, IPFPr, 26 December 1856, 167.

35. SCC to SFD, 25 August 1856, IPFPr, 26 September 1856, 372; SFD to CC, 31 October 1856, 26 December 1856, 184; Ommaney to Outram, 19 June 1856, Dalhousie Papers, 180/I.

36. Lawrence to Bernard, 7 April 1856, Henry Lawrence Collection, 40C.

37. Letter from an Oudh officer, 12 March 1857, Henry Lawrence Collection, 40C.

officials' who had 'so strangely abused the power vested in their offices' reached Calcutta.³⁸

Henry Lawrence found that such complaints were substantially correct.³⁹ Raja Arjun Singh and many other people complained of similar attitudes on the part of officers.⁴⁰ The anti-elitist views of Thomason and John Lawrence inspired many civilians in Oudh who were mostly drawn from the North-Western Provinces and the Panjab. As a result, their behaviour and treatment of the upper classes often crossed the bounds of discretion and prudence. Sir Henry complained: 'I fear this picture of the revolutionary schemes of many [officers] is quite correct. A dead level seems to be the ideal of many officers'.⁴¹

Officers made little attempt to meet the people.⁴² Ommaney professed ignorance of the discontent that one of his taxation measures was causing among the traders.⁴³ Perhaps the fact of peaceful annexation had made them impervious to the need to be aware of people's feelings. The worst offender in this respect seemed to be Jackson himself. He maintained a haughty reserve, usually to an offensive extent.⁴⁴ He was 'too much of a civil servant' and he entertained a very poor opinion of Indians.⁴⁵ He avoided mingling with them. Only after the arrival

38. Ibid.; Lawrence to Bernard, 7 April 1856, Henry Lawrence Collection, 40C.

39. Ibid.

40. Petition of Arjun Singh, 22 December 1856, IPFPr, 13 February 1857, 167; Petition of Diljaur Singh, Petition of Ramnath, Kishan Lal and others, Rizvi and Bhargava op.cit. 282-83.

41. Lawrence to Bernard, 7 April 1856, Henry Lawrence Collection, 40C.

42. Ibid.; Petition of Arjun Singh, 22 December 1856, IPFPr, 13 February 1857, 167, Arjun Singh wrote: 'the higher departments of the British Commission though nominally open, are virtually closed to the people'.

43. Lawrence to Bernard, 7 April 1856, Henry Lawrence Collection, 40C.

44. Edmonstone to Dalhousie, 22 October 1856, Dalhousie Papers, 180/I.

45. Vernon Smith to Canning, 26 June 1856, Canning Papers.

of Henry Lawrence were the doors of the Chief Commissioner's house opened to the local people.⁴⁶ He came too late, however, to reverse the process of alienation between the government and its subjects in Oudh.

More than anything else, the Oudh administration suffered from a want of good leadership. Outram could have provided it because he possessed necessary qualities. However, his health broke down under the pressure of heavy work and he had to relinquish his office in April 1856.⁴⁷ Sir Henry Lawrence, who was chafing under the disgrace of being consigned to the administrative backwaters of the Rajputana Agency, offered himself for the post but Canning had, in the meantime, already offered it to Coverley Jackson, a member of the Board of Revenue at Agra and a revenue officer of great ability.⁴⁸

It was a very unfortunate choice, Jackson was well known for the violence of his temper and his tendency to develop strained relations with his colleagues. The amazing feature of the appointment was that Canning knew of this defect of his character before he offered the post to him.⁴⁹ It was a blunder to appoint such a man as the chief executive of a new province. It is difficult, indeed, to understand how a statesman of Canning's experience and judgement could have been led into it. In spite of his earnest assurance to the contrary, Jackson started pouring venom on Gubbins within few weeks of his arrival at Lucknow.⁵⁰ Before six months had elapsed he had quarrelled with Ommaney, his Secretary, Couper, and all the Commissioners except Christian. He could pull

46. Lawrence to Canning, 2 May 1857, Canning Papers; Diary of Lady Dally, 24 March and 1 April 1856, Henry Lawrence Collection, 40B.

47. SFD to CC 19 April 1856, IPFPr, 13 June 1856, 357; Outram, to SFD, 22 April 1856, IPFPr, 13 June 1856, 362A.

48. Edwardes and Merivale, Life of Sir Henry Lawrence, 539.

49. Canning to Jackson, 28 April 1856, Canning Papers.

50. Jackson to Canning, 3 May 1856, Canning Papers; Edmonstone to Dalhousie, 3 July 1856 Dalhousie Papers, 180/I.

on well with only two officers who were reputed to be his relatives.⁵¹

Jackson was deficient in the essential qualities of leadership. Deeply distrustful of others and jealous in respect of his own authority, he interfered exceedingly with the work of his colleagues and subordinates.⁵² He could never comprehend the true nature of his own position, vis-a-vis his principal subordinates. He put the widest construction upon the words 'plenary authority and control in all departments' in spite of the repeated cautions given by Canning.⁵³ For him there was nothing midway between the completest subordination, to the extent of becoming non-entities, of the Judicial and the Financial Commissioners, and their fully independent power, reducing himself to a mere figure-head. The worst of all his characteristics was his amazing lack of self-control and judgement. Even the slightest opposition to his directions, howsoever justified it might be, provoked scathing censure from him in words fit for the gravest misconduct. A reader of Jackson's official correspondence is struck with the frequency of his use of phrases such as 'frivolous arguments', 'wilfully misunderstood', 'excessive arrogance', 'evasions', 'misrepresentation' and the like. When provoked, he would not spare even Canning from the use of derogatory and unbecoming phrases.⁵⁴ A senior Oudh officer could not believe that human nature could be as obnoxious as his.⁵⁵ A sincere and humble apology from Ommaney, the Judicial Commissioner, earned only a contemptuous notice from him.⁵⁶ Henry Lawrence, during his entire career, 'never saw letters as have issued' from the Oudh secretariat.⁵⁷ After repeated warnings Canning had to admit that he could not continue to expose officers

51. Edmonstone to Dalhousie, 22 October 1856, Dalhousie Papers, 180/1.

52. Ibid.

53. Canning to Jackson, 27 August 1856 and 7 August 1856, Canning Papers; SFD to CC, 29 November 1856, IPFPr, 24 April 1857, 242; SFD to CC, 26 December 1856, IPFPr, 24 April 1857, 262.

54. Canning to Jackson, 17 March 1857, Canning Papers.

55. Edmonstone to Dalhousie, 22 October 1856, Dalhousie Papers, 180/1.

56. Minute of GG, 5 March 1857, IPFPr, 24 April 1857, 359.

57. Lawrence to Bernard, 7 April 1857, Henry Lawrence Collection, 40C.

to the language and treatment accorded by Jackson to his subordinates.⁵⁸

But Canning delayed this decision too long. His government cannot escape the responsibility for the sorry state into which the Oudh administration had fallen. In the first place, Jackson, with his known shortcomings should never have been appointed as the Chief Commissioner. Secondly the Government of India adopted the very unusual practice of communicating the full texts of the frequent and severe censures that it administered to Jackson, to his subordinates.⁵⁹ Such a practice is seldom conducive to discipline in administration. Surprisingly the tone and language of the orders from Calcutta became progressively harsher till they became nearly as bad as those with which they found fault.⁶⁰ Finally, the Supreme Government was guilty of drift. By July 1856 Canning had a fair sample of the language used by Jackson.⁶¹ The Foreign Secretary became convinced by October that under Jackson the Oudh administration was bound to fail.⁶² Yet the government took five more months to remove him. The Oudh Commission was offered to Sir Henry on 9 January, and he accepted it ten days later.⁶³ Still the formal appointment was delayed till 5 March.⁶⁴ Perhaps Canning wanted to dispose of all the outstanding controversies of Oudh before handing the province over to Sir Henry. But this was a poor reason for postponing the installation of a good administration in the province.

58. Minute of GG, 5 March 1857, IPFPr, 24 April 1857, 359.

59. SFD to CC, 24 November 1856, IPFPr, 24 April 1857, 244; SFD to CC, 9 December 1856, IPFPr, 24 April 1857, 247; SFD to CC, 26 December 1856, IPFPr, 24 April 1857, 262.

60. Lawrence to Bernard, 7 April 1857, Henry Lawrence Collection, 40C. Sir Henry wrote: the despatches 'did astonish me. The Government letters are nearly as bad as his own. All the impertinences of all Dalhousie's letters during my stay in the Panjab hardly amounted to what was poured on Jackson in a single letter'.

61. Canning to Jackson, 7 July 1856, Canning Papers.

62. Edmonstone to Dalhousie, 22 October 1856, Dalhousie Papers, 180/I.

63. Canning to Lawrence, 9 January 1857, Henry Lawrence Collection, 40A; Lawrence to Canning, 19 January 1857, Henry Lawrence Collection, 17.

64. Minute of GG, 5 March 1857, IPFPr, 24 April 1857, 361.

Such conditions negated hearty cooperation among the members of the Oudh Commission. Senior officers were preoccupied with writing lengthy memoranda in support of their views or in refutation of those of their opponents. The success, or otherwise, of the administration must have been a secondary consideration. District Officers must have been confused by the divergent views of their superiors. The situation was utterly at variance with that of the Panjab, whose example they were supposed to follow. In the older provinces, with set routines and channels of administration, well defined by definitive regulations, Jackson might have got away with his style of administration without much harm. But in a non-regulation province, new to British rule, where the main task was to build up an administration with healthy and constructive traditions, and where the personality of officers armed with a wide discretion was a major factor, unchecked by anything except the broad instructions and the distant eye of the Government of Calcutta, such an atmosphere of mutual suspicion and abuse could be productive of nothing but harm and confusion. It is small wonder that Henry Lawrence found Oudh in bad shape when he assumed office at Lucknow on 20 March 1857. It was only during his brief tenure that Oudh had a clean and efficient administration which was responsive to the needs of the people.

The chief advantage of the non-regulation system was that it could be better adapted to the local conditions. Under it the efficiency of the British system could be combined with the local institutions and practices.⁶⁵ No attempt however was made by the administration to adopt and invigorate local institutions except that of the village police. From the very beginning the cut and dried system of administration developed in the older provinces was applied to Oudh. There is little evidence to show that any effort was made even to study and to analyse local institutions with a view to adapt to them.

65. Cambridge History of India, vi, 77.

This may partly be explained by the shambles into which the administration of the province had fallen before the annexation. There was hardly any organisation of the police outside the capital and principal towns.⁶⁶ The law courts either did not exist or were not functioning in the interior.⁶⁷ The revenue system was devoid of any consistent principle and depended upon the comparative strength of the assessee and the agent who collected it. The vigour of the village institutions was sapped by the class of powerful landholders. They had assumed large functions of police and administration of justice. The dread for the tyrannical government officers and the depredations of the hostile powerful neighbours and the lawless elements had led to gradual and voluntary surrender by the small proprietors of all the rights to the powerful Taluqdars who could protect the villages against them.⁶⁸

It would have required extraordinary will and ability among government officers to search for the remnants of local institutions and reinvigorate them. However, the Oudh officers were singularly unsympathetic. Jackson was too much of a regulation man to be able to utilise the advantages of an administration of comparative informality. He shut himself in a shell of bureaucratic inaccessibility. He would sharply rebuke anyone who dared to depart from the set rules even slightly. Gubbins relentlessly drove his officers to collect the land revenue strictly at a time when it was more important to establish law and order and make the administration more responsive to people's needs.⁶⁹ District officers were bombarded with a series of circulars, which were often confusing,

66. Memorandum of P. Orr, 5 January 1855, IPFPr, 28 December 1855, 314.

67. Outram's report on Oudh, 15 March 1855, IPFPr, 28 December 1855, 312.

68. Sleeman, W.H., Journey Through the Kingdom of Oude. The account of Sleeman is full of the descriptions of the activities of the Taluqdars. Bhatnagar, G.D., Awadh Under Wajid Ali Shah, 173-79.

69. Couper to Edmonstone, 20 February 1856, Dalhousie Papers, 180/I; Goldney to Edmonstone, 20 July 1856, Dalhousie Papers, 180/I.

with detailed rules and procedures, circumscribing considerably individual initiative. This tended to make the system rigid and inflexible.⁷⁰

Such a tendency might have been the result of the circumstances of the annexation. The Panjab administration, which developed the non-regulation system, did not have to act with reference to any set system that already existed and it had to reconcile a hostile population which had fought the British as an enemy. The Oudh administration did not feel the urgency of any such measures in view of the peaceful and unresisted transfer of power. It was, moreover, instructed to closely follow the Panjab system and even required to adopt their rules and circulars.⁷¹ It was not inclined to soften the blow of the annexation nor did it deliberately try to cultivate the people's attachment and loyalty; the people's gratefulness for their 'liberation' from the King's rule was taken for granted.⁷²

Very little attempt was made to give employment to the functionaries of the King's government in the new administration. Of course the new agency was necessarily different from the old one and most of the Oudh officers were corrupt and undependable. But a few of them could surely have been found suitable for appointment as Extra Assistant Commissioners. The Government of India had enjoined the local administration to employ the local people in every branch of the administration. It was confident that persons worthy of appointment to the highest posts open to Indians could be found in Oudh.⁷³ The local administration, however, recommended only two officers of the former government for appointment

70. SCC to SFD, 4 July 1856, FPC, 24 April 1857, 164.

71. SFD to CC, 4 February 1856, FPC, 6 June 1856, 193.

72. Letter from an Oudh officer, 12 March 1857, Henry Lawrence Collection, 40A.

73. SFD to CC, 4 February 1856, FPC, 6 June 1856, 193.

as Extra Assistant Commissioners.⁷⁴ The remaining sixteen such posts were held by Europeans or Indians from the other provinces. The caution given by Vernon Smith not to employ too many Europeans in Oudh and to employ as many local people as possible with a view 'to break the fall' was ignored in practice.

The Government, in its anxiety to form the nucleus of a subordinate establishment for Oudh, had asked senior officers posted there to take with them a few experienced and dependable subordinates.⁷⁵ Gubbins also instructed the Deputy Commissioners to bring in trustworthy Tahsildars from the older provinces.⁷⁶ These directions were misused by officers, who brought their favourites from outside Oudh. Such men soon secured almost a monopoly of 'the petty officers of the courts from that of the Omlah (clerks) to that of Chuprasee (peons).'⁷⁷ Nearly all the Tahsildars were brought in from the older provinces.

This proved to be an unfortunate mistake. Because of the heavy pressure of work devolving upon the officers of a non-regulation province added to that incidental upon the setting up of the administration in a new province, the officers had to depend a great deal upon the subordinate office and court staff for their routine work. Being well experienced in the technicalities of procedure and routine, they brought those evils into the Oudh offices also. They formed 'a cordon sanitaire around every court' and office in Oudh and it was experienced even 'by the sepoy sent on official business'. 'All of these harpies

74. SCC to SFD, 24 March 1856, IPFPr, 13 June 1856, 287; SCC to SFD, 17 October 1859, E.I. (Oude) Papers, H.C., 12 July 1861, 426.

75. SFD to CC, 4 February 1856, 9, FPC, 6 June 1856, 193; Courtenay to Outram, 25 January 1856, Outram Papers, 6308-44-101.

76. FC to all CRs, 16 February 1856, FPC, 6 June 1856, 316-320.

77. Letter from an Oudh officer, 12 March 1857, Henry Lawrence Collection, 40A.

extort, grind and oppress', an Oudh officer complained, 'to such an extent that they are alienating the good will of even the peasantry.'⁷⁸

A large number of complaints charging officers with unquestioning reliance on subordinates were made. Though many of them might have been unfounded, yet the fact that they were made against almost every officer indicated a widespread belief in the existence of the evil.⁷⁹

The servants of the King's government were, however, provided with service in large numbers in the police, military police and Irregular Force raised after the annexation.⁸⁰ The Tahsil establishments in the interior also were recruited from among the clerical staff of the King's government.⁸¹

At the time of the annexation there were many classes of the people in Oudh who could potentially disturb the peace and hinder the smooth transition from the King's rule to that of the Company. The King and his nobility were the foremost among them. That is why Dalhousie was so keen to persuade him to transfer the administration by a treaty.⁸² Though the King refused to sign it, he had neither the desire nor the will to resist the British Government. He cooperated by issuing proclamations to the various classes of his subjects, exhorting them to obey the new government and its officers.⁸³ These were almost as effective in preventing any disturbance as his signing the treaty would have been.⁸⁴ The annexation was effected in profound tranquility.

78. Ibid.

79. SCC to SFD, 8 July 1856, IPFPr, 17 October 1856, 279.

80. Lawrence to Bernard, 7 April 1857, Henry Lawrence Collection, 40C.

81. SCC to SFD, 17 October 1859, E.I. (Oude) Papers, H.C. 12 July 1861, 426.

82. Dalhousie to Outram, 4 February 1856, Outram Papers 6308-44-101.

83. Two Proclamations of the King, IPFPr, 6 June 1856, 202.

84. Dalhousie to Canning, 8 February 1856, Dalhousie Papers 88.

There remained however, a lingering hope among many that the king would ultimately be restored. Many interested parties like the Taluqdars and the discharged soldiery persisted in this hope for a long time.⁸⁵ Some notices were extensively circulated at Lucknow and Faizabad asserting that Mustafa Ali Khan, reputed to be the elder brother of the king, would soon be restored to the throne with an English officer as his minister.⁸⁶ Such mischievous rumours tended to unsettle the minds of the people and obstructed the new institutions in taking roots. They also fostered a feeling of insecurity by inspiring doubts about the permanence of the new regime.

The treatment of the royal family and its dependants by the new administration was not good and caused a great amount of distress and bitterness among them and the loyalist element among the people of Oudh. Many ladies of the royal family were treated with discourtesy. Some of them were forced to evacuate their palaces including the Chhatar Manzil.⁸⁷ The repeated remonstrances of the King in this matter were of little avail. Members of the royal family were summoned to the courts by notices which were couched in discourteous language and caused considerable dissatisfaction.⁸⁸

The Oudh administration could not settle the pension claims of the stipendiaries of the King and the nobility for more than a year after the annexation.⁸⁹ This often caused extreme misery to those whose means of livelihood had been suddenly stopped. Many of them had to sell their personal belongings to ward off starvation while others had

85. CR Bahraich to SCC, 1 July 1856, IPFPr, 15 August 1856, 68.

86. Mustafa Ali Khan was reputed to be an illegitimate son of Amjad Ali Khan, the father of Wajid Ali Shah. He was kept in prison by Wajid Ali. vide SCC to SFD, 14 March 1856, IPFPr, 13 June 1856, 255.

87. Despatch from SOS, 13 October 1858, 4; Canning to Lawrence, 15 March 1857, Canning Papers.

88. SCC to SFD, 10 June 1856, IPFPr, 18 July 1856, 162.

to suffer the indignity of permitting their ladies to beg at night.⁹⁰ Henry Lawrence had to use all his energy and drive to redress the wrong by settling quickly the pension claims of the stipendiaries. But the avoidable sufferings of the influential members of the royal court and nobles had already made them bitter and resentful against the new government.⁹¹

The armed forces of the King were potentially a great threat to the smooth transfer of the government. They were composed of 62,349 soldiers distributed as follows:⁹²

The Regular Army	18,433
The <u>Najibs</u> or Irregular Milita	31,700
The Regular Cavalry	2,900
The <u>Sawars</u> or Irregular Troopers	3,169
Artillery	6,147
Total	<u>62,349</u>

They were, generally speaking, a rabble, lacking discipline and organisation.⁹³ Obviously they could not be kept in the service of the new government. The Supreme Government had directed their discharge after enrolling the fit among them in the Irregular Force and the civil and military police.⁹⁴ The discharged soldiers were to be paid a gratuity or pension according to the length of their service.⁹⁵

The King's soldiery, to some extent, adversely reacted to the news of

90. Gubbins, M.R., The Mutinies in Oudh, 70; Kaye, J.W., The History of the Sepoy War in India, iii, 419; Lawrence to Canning, 6 May 1857, Canning Papers.

91. Despatch from SOS, 13 October 1858, 4.

92. SCC to SFD, 26 February 1856, IPFPr, 13 June 1856, 181.

93. SFD to CC, 4 February 1856, FPC, 6 June 1856, 193.

94. Ibid.; 125-27.

95. Ibid.; 127.

the annexation and signs of disaffection came to surface in many parts of Oudh such as Sultanpur, Haidargarh, Jagdishpur, Rae Bareli and Salone. At some places they put the officers of the King's government under restraint.⁹⁶ It was suspected that some Taluqdars like Man Singh and the Raja of Tulsipur instigated disaffection among the soldiers in Bahraich.⁹⁷ The worst spirit was displayed by the soldiers at Lucknow on 15 February. The situation there was so serious that Outram apprehended a general uprising.⁹⁸ The soldiers nearly everywhere were reluctant to give up their arms and displayed sullen passivity.

The soldiers had many reasons for their behaviour. One of the foremost was their loyalty to the King's 'salt'; they expressed open sympathy for the King.⁹⁹ Many old soldiers, both the Hindus and the Muslims, considered it a point of honour not to serve the new rulers, though they were deprived of their pensions because of such a refusal.¹⁰⁰

Many of them were actuated by less honourable sentiments. It was notorious - the pages of Sleeman's report are replete with evidence - that the King's soldiery were instrumental in general loot and extortion and they lived off their plunder. They knew that their days of easy gains were over; they would have joined anyone who could hold out prospects of restoring them to their former life of ill-gotten gains.¹⁰¹

96. Thompson to MSCC, 22 May 1856, IPFPr, 31 October 1856, 159.

97. Proceedings of the Committee of Adjustment, IPFPr, 31 October 1856, 155; Outram to Dalhousie, 29 February 1856, Dalhousie Papers, 180/II.

98. SCC to SFD, 16 February 1856, FPC, June 1856, 254.

99. CR Faizabad to MSCC, 25 September 1856, IPFPr, 31 October 1856, 168.

100. Ibid.

101. SCC to SFD, 16 February 1856, IPFPr, 13 June 1856, 254.

At the annexation most of them had claims for arrears of pay. They insisted upon the full discharge of the arrears.¹⁰² Though nearly all claimed arrears for a year, many of them had not received their pay for the preceding four years.¹⁰³ Curiously enough, the government, not realising the eventuality of such claims, had given no specific instruction to Outram. This put him in a very awkward position as the situation demanded a prompt action.

Outram promised a full investigation of the arrears and committed the government to discharge the claims for 1854-55.¹⁰⁴ Dalhousie, recognising no obligation to meet the claims at all, pulled him up. It is difficult to defend the logic of Dalhousie's argument. The assumption of the government of Oudh entailed, legally and morally, the simultaneous assumption of all the assets and liabilities of the late government. The arrears of pay due to the servants of the King's government were remuneration for public service. No amount of sophistry could free the successor government from the obligation to discharge them.

Outram's further pleading on grounds of expediency and justice softened Canning. The latter agreed to pay the arrears of pay of both the civil and the military servants though Dalhousie had definitely excluded the latter from any provision that might be made for meeting the arrears.¹⁰⁶ 'It must not be forgotten', Canning wrote in defence of his sanction for this payment, 'that considerations of policy enter largely into all these questions of settlement of claims in Oudh; and a few lacs spent in closing the account without injustice, and even with liberality, will be repaid if we can, thereby, smooth down discontent and escape disturbance'.¹⁰⁷

102.SCC to SFD, 16 February 1856, IPFPr, 13 June 1856, 181.

103.Dalhousie to Vernon Smith, 29 September 1856, Dalhousie Papers, 43.

104.SFD to CC, 10 March 1856, IPFPr, 13 June 1856, 191.

105.Minute of GG, 22 February 1856, IPFPr, 6 June 1856, 247.

106.SFD to CC, 23 February 1856, IPFPr, 6 June 1856, 249.

107.Minute of GG, 5 March 1856, IPFPr, 13 June 1856, 194.

Though Outram took care to take possession of all the arsenals and guns of the government located in different parts of Oudh, he was very reluctant to disarm the soldiers, because the arms used by them were their personal property.¹⁰⁸ He felt it would be unjust for the administration to do so when the rest of the population was fully armed. They would, however, be disarmed if they resisted the orders of the government.¹⁰⁹ As a further inducement to peaceful and orderly behaviour he offered pecuniary rewards to the commandants of the regiments by way of special pensions if their units would remain loyal and peaceful.¹¹⁰

Even after enrolling fit soldiers for service in the police and the Irregular Force, more than forty thousand of them were eventually disbanded.¹¹¹ They were thrown among the people after paying them small doles as gratuities ranging from three to nine months of pay or pensions amounting to from a quarter to half of their pay according to the length of their service. None who had served for less than seven years was paid anything.¹¹² The pay of the soldiers in Oudh was usually nominal and the amounts of the gratuity were, therefore, paltry; they were insufficient to sustain them for any great length of time. As the Court of Directors realised, 'only partial success was to be expected from so partial a measure'.¹¹³

Outram was very worried over this aspect of the soldiers' problem.

108. SCC to SFD, 9 March 1856, IPFPr, 13 June 1856, 196.

109. Ibid.

110. SCC to SFD, 26 February 1856, IPFPr, 13 June 1856, 181.

111. Ibid.

112. SFD to CC, 4 February 1856, 127, FPC, 6 June 1856, 193.

113. Despatch from the Court of Directors, 10 December 1856, Political 47, para 18.

He was specially conscious of the possibility of 5,707 disbanded artillery men being employed by some disaffected Taluqdar.¹¹⁴ Outram, apprehending trouble, had stationed the 52nd Bengal Native Infantry in eastern Oudh to keep a close eye over the activities of the disbanded soldiers.¹¹⁵ He even recommended the raising of two regiments of the King's Guards, in addition to the sanctioned strength of the Irregular Force. He also wanted to double man the guns of the Irregulars. The aim of both measures was to reduce the number of men to be discharged.¹¹⁶ It is, however, difficult to see any substantial advantage that could have been gained from such measures. The employment of about two thousand men out of the forty thousand and more to be disbanded would hardly have made a dent in the problem of reducing the number of the disbanded soldiery. It is not surprising that the government turned down the proposals.¹¹⁷

Besides the discharged soldiery of the King, there were the Taluqdars' armed retainers. Colonel Sleeman had estimated their number to be more than one hundred thousand. The principal landholders kept their own private armies. The government insisted on their discharge. Moreover the Taluqdars were deprived of the means to pay them after the annexation.¹¹⁸ As a result the discharged soldiers swelled the ranks of the men who were trained in the use of arms and were forced out of their employment under the new regime.

114. SCC to SFD, 26 February 1856, IPFPr, 13 June 1856, 181.

115. Ibid. SCC to SFD, 9 March 1856, IPFPr, 13 June 1856, 196.

116. Ibid.

117. Minute of GG, 13 March 1856, IPFPr, 13 June 1856, 197.

118. Goldney to Edmonstone, 20 July 1856, Dalhousie Papers, 180/II, Jackson to Canning, 21 May 1856, Canning Papers.

No attempt was made to provide any alternative employment to those men even as a transitional measure. Oudh was a predominantly agricultural region with no industry worth the name. The local economy was in no state to absorb such a large number of men all at once. It is difficult to estimate the total effect upon the contemporary society of the burden of providing a livelihood for more than one hundred and fifty thousand men discharged from the government and private service.¹¹⁹ But it must have caused great stresses and strains in society and aggravated the problem of crime. Its role as one of the causes leading to the widespread revolt in Oudh in the following year has been emphasised by the leading authorities on the subject, both contemporary and later.

The fourth category of people, who could affect the enforcement of law and order in Oudh, was the great class of landholders, better known as the Taluqdars. They have often been described as barons of Oudh. To a certain extent, indeed, their position resembled that of the barons of medieval Europe, especially in respect of their hold over the estates, their exercise of judicial and police authority in them, their comparative strength in relation to the King and their frequent resistance to the authority of the government. They were a powerful class. Many of them were notorious for their defiance of the government, for their lawless spirit and for the atrocities that they committed.¹²⁰ Dalhousie, realising the danger from them, considered them to be 'the great evil which should be at once grappled with, overthrown and crushed' after the annexation.¹²¹ With the resources of men and material at their command and their habit of

119. The difficulty is increased by the fact that official records were destroyed during the Revolt and no customary reports on administration were submitted before it. Vide SCC to SFD, 20 November 1857, FPC, 29 January 1858, 339.

120. Sleeman, Journey through the Kingdom of Oude, 2 volumes. Both volumes contain numerous examples of the activities of the Taluqdars.

121. Delhousie to Outram, 12 July 1855, Outram Papers, 6308-44-101.

defiance to the government of the day, they could be a most significant obstacle to the pacification of the province. Some of them like the Raja of Tulsipur and the Rajkumar Taluqdars of Eastern Oudh rarely paid their revenue without coercion. 'No Oudh functionary ever prevailed against' Rustam Sah of Dehra.¹²² The most notorious example of the acquisition of a huge estate by any means, fair or foul, was that of the family of Bakhtawar Singh, a former trooper in the service of the Company who was taken into the Oudh service by Nawab Sadat Ali. In the course of the next half a century, he, his younger brother Darshan Singh and two sons of the latter, Raghubar Singh and Man Sing, acquired by forced transfers, or Bainamas, fraud and violence the biggest estates in Oudh. All the members of this family had occupied responsible positions in the government and were honoured with honorific titles in spite of their misdeeds.¹²³

The Tahuqdars kept well-armed retainers for defence against the government officers. They owned mud forts which were well mounted with cannon, surrounded by moats and wide belts of impenetrable jungles of bamboo and prickly bushes.¹²⁴ Their number was variously estimated between 250 and 650.¹²⁵ Besides regular forts, there were innumerable smaller strongholds known as Bakhar Kothas and Antas which were capable of stubborn resistance.¹²⁶ The number of all types of stronghold destroyed by the end of 1859 was over 1,500.¹²⁷

122. JC to SCC, 18 August 1856, IPFPr, 31 October 1856, 140.

123. SCC to SFD, 13 December 1858, IPFPr, 30 December 1859, Supp. 892; SCC to FC, 11 July 1856, FPC, 1 May 1857, 112-113; Reeves, Sleeman in Oudh, 89; Hunter-Weston, G.A Report on Some of The Forts of Oudh, A.D. 1855.

124. Hunter-Weston, op.cit., Introduction; Reeves; op.cit., 292-297.

125. Hunter-Weston, op.cit., Introduction; Reeves; op.cit., 22; SCC to SFD, 3 September 1856, 31 October 1856, 136.

126. Hunter-Weston, op.cit., Introduction.

127. Return of Forts destroyed, 10 April 1860, IPFPr, April 1860, 40.

Many Taluqdars had concealed their guns or had transferred them to Nepal in anticipation of the annexation.¹²⁸

The Government had instructed Outram to settle the land revenue on the approved Thomasonian principles and the Taluqdars were not to be allowed to stand between the Government and the people in actual occupation of the soil.¹²⁹ This substantially curtailed the economic base of the power of the Taluqdars. The triennial settlement was quite harsh on them in some places, such as Faizabad; it was generally adverse to them in most places.¹³⁰ Man Singh lost all but six villages.¹³¹ Gubbins had ordered very severe measures, including imprisonment, against default because the balances in many places were colossal; in Sultanpur, Faizabad and Salone districts, the balances amounted to 74.68 and 66 per cent respectively.¹³² Several Taluqdars had to abscond to avoid arrest.¹³³

However, though the 'Taluqdars were hardly dealt with', they did not lose all that they had in the summary settlement, as was widely believed in the dark days of 1857-58 or as their partisans tried to make out.¹³⁴ They lost only 35 per cent of their villages.¹³⁵ They

128. JC to SCC, 18 August 1856, IPFPr, 31 October 1856, 140.

129. SFD to CC, 4 February 1856, 14-15, FPC, 6 June 1856, 193.

130. Pemble, J., The Raj; The Indian Mutiny and the Kingdom of Oudh, 1801-1859, 149-50.

131. Pritchard, I. T., The Administration of India, i, 25-28.

132. SCC to FC, 17 November 1856, FPC, 1 May 1857, 132-133; FC to CR Faizabad, 22 May 1856, FPC, 1 May 1857, 190.

133. Goldney to Edmonstone, 20 July 1856, Dalhousie Papers, 180/I.

134. Canning to Lawrence, 27 April 1857, Canning Papers; Gazeteer of the Province of Oudh, i, LV; Pemble, op.cit., 149.

135. Irwin, H. C., Garden of India, ii, 158-159; Raj, J., The Mutiny and British Land Policy in Northern India, 1856-68, 18-19.

still owned more than half the villages of Oudh.¹³⁶ At least two commissioners, Wingfield and Christian, were sympathetic to them.¹³⁷ No Chief Commissioner was particularly hostile to them. Outram was strongly against tearing up all their titles and claims.¹³⁸ Contrary to the generally held view, Jackson too was sympathetic to them and had pledged himself to deal with their class leniently.¹³⁹ Henry Lawrence's sympathy for the aristocracy is too well known to need any elucidation.

Some important Taluqdars were not well disposed towards the new government.¹⁴⁰ The Raja of Tulsipur, who owned 1,100 villages in the Tarai, and was one of the Chief Taluqdars, openly defied the orders of the Commissioner. Had he been ignored his example would have been followed by many others.¹⁴¹ The authorities thought that they could not afford even a semblance of failure at the commencement of British rule. Canning cautioned Jackson that anything that could be construed as a check, however slight, was to be avoided.¹⁴²

After collecting a large force, Wingfield, the Commissioner of Bahraich acted swiftly and captured the Raja. His estate was

136. Raj. J., op.cit. 19.

137. Ibid. Pemble, op.cit., 153-54.

138. Dalhousie to Outram, 21 September 1855, Outram Papers, 6308-44-101.

139. Jackson to Canning, 21 May 1856, Canning Papers.

140. Jackson to Canning, 18 May 1856, Canning Papers.

141. Edmonstone to Dalhousie, 3 July 1856, Dalhousie Papers, 180/I.

142. Canning to Jackson, 26 May 1857, Canning Papers.

sequestered and all his retainers were disbanded.¹⁴³ This action apparently disheartened other Taluqdars who were showing signs of ill disposition.¹⁴⁴ No other incident of major defiance occurred after it.

Some cases of minor defiance of government agencies occurred. At some places they gave shelter to thieves and other offenders in their forts.¹⁴⁵ In the Faizabad division, seven incidents of defiance of the police took place; they were not allowed by the owners of the forts to enter them in pursuance of their duties.¹⁴⁶ Rustam Sah of Dehra and Man Singh were among such owners. Curiously enough, the district officers failed to report those incidents to the authorities at Lucknow.¹⁴⁷ When Jackson came to know about them indirectly, he pulled up the district officers and some of the offenders were brought to book by the latter.¹⁴⁸

Apart from such incidents the Taluqdars as a class behaved peacefully. They, by and large, paid their revenue and discharged their retainers.¹⁴⁹ They seemed to bear the break up of their estates philosophically, inspite of the mad, and often insulting, rush among the village proprietors to have the settlement of the villages included in their estates. A senior officer was so disgusted by the behaviour of the small village proprietors that he almost longed for 'the good old days of the Taluqdars'.¹⁵⁰

143. CR Bahraich to SCC, 1 July 1856, IPFPr, 15 August 1856, 68.

144. JC to SCC, 18 August 1856, IPFPr, 31 October 1856, 140.

145. Ibid.

146. Jackson to Canning, 22 August 1856, Canning Papers; JC to SCC, 24 August 1856, IPFPr, 31 October 1856, 142.

147. Minute of GG, 16 September 1856, IPFPr, 31 October 1856, 148.

148. Jackson to Canning, 21 September 1856, Canning Papers.

149. Ommaney to Outram, 15 June 1856, Dalhousie Papers, 180/I.

150. Goldney to Edmonstone, 20 July 1856, Dalhousie Papers, 180/II.

It was, however, necessary to counter the dangerous possibilities of the fortified and well armed strongholds of the Taluqdars. Though none of them could stand a determined assault, the fact of their existence would tempt the haughty owners to resist the authorities because the false sense of security that they generated. They kept up 'the remembrance of lawless times'. The Government could not afford to overlook even a gesture of minor defiance in a new province and it would be forced to take an annoying, and often costly, action against them.¹⁵¹

The obvious, and the most natural, remedy was the demolition of the forts and opening up of the jungle surrounding them. Dalhousie had resolved to do so before the annexation.¹⁵² Outram was, however, reluctant to undertake such a task forthwith as it might take longer than the approaching wet season would permit.¹⁵³ However, he permitted the district officers to receive guns from the Taluqdars in discharge of the revenue demand as it 'would be the least obnoxious mode of reducing the armaments of many Zemindars'.¹⁵⁴

As the Taluqdars became more accustomed to the British rule, their initial dread began to wear thin. Some of them began to misbehave and misuse their forts. Ommaney thought that the period after the rains, which were very heavy that year and had extensively damaged the mud forts, a good opportunity to destroy them and make the owners give up all their cannon.¹⁵⁵ Jackson rightly decided to act upon his

151. JC to SCC, 18 August 1856, IPFPr, 31 October 1856, 140.

152. Dalhousie to Outram, 12 July 1856, Outram Papers, 6308-44-101.

153. Jackson to Canning, 21 September 1856, Canning Papers.

154. SCC to SFD, 19 September 1856, FPC, 17 October 1856, 106.

155. SCC to SFD, 30 October 1856, IPFPr, 31 October 1856, 152.

recommendation, though characteristically enough, he was very indiscreet not to consult the Supreme Government on such an important matter concerning the local aristocracy.¹⁵⁶ He directed that the owners be notified to surrender all the forts, artillery and warlike stores before 1 October.¹⁵⁷

Canning was furious at not being consulted prior to the issue of such orders. Though he reprimanded Jackson, both publicly and privately, he had to admit the wisdom of the course and authorised him to pursue it.¹⁵⁸ There really was no other alternative. The fault of Jackson did not lay in his policy but in the course that he adopted. He ought to have known by his personal experience with his own subordinates that the official superiors, are usually very touchy about being ignored or taken for granted.

But, obviously, the course initiated by serving notices on the owners of the forts was not carried to the logical conclusion. About a year later when the mutinies, followed by the rebellion of the civil population, broke out, the forts, complete with the mounted cannon, were ready for the use of the rebels. Failure to execute the policy proved to be very costly indeed.

The character and disposition of the people of Oudh was another source of anxiety, in the maintenance of law and order. The population included some of the most warlike classes in India. The

156. Canning to Jackson, 11 October 1856, Canning Papers.

157. Jackson to Canning, 21 September 1856, Canning Papers.

158. Canning to Jackson, 14 September 1856 and 11 October 1856, Canning Papers; Minute of GG, 16 September 1856, IPFPr, 31 October 1856, 147.

Brahmans, Rajputs and the Pasis were strong and sturdily built. The two former of them provided a very large proportion of sepoy in the armies of the East India Company in all the Presidencies, especially in Bengal; so much so that Oudh was often referred to as the nursery of the Bengal Army.¹⁵⁹ Nearly every adult in Oudh possessed arms and was adept in their use.¹⁶⁰ The usual arms kept by them were matchlocks, swords, bows and arrows, and bamboo sticks with iron-bound ends, known as lathis. The practice of wearing and carrying arms was universal.¹⁶¹ Such a people were thought to be dangerous for peace.¹⁶²

Following the Panjab precedent, Dalhousie had planned to disarm the population soon after the annexation.¹⁶³ It was, however, postponed on the recommendation of Outram because the disarming operations would need much longer time than would be available before the onset of the rains.¹⁶⁴ Canning too, anticipated the eventual necessity of disarming the population of Oudh but he directed that no action be taken without his sanction.¹⁶⁵

159. It is amusing to read about the apprehensions of such a knowledgeable statesman as Ellenborough concerning this aspect of Oudh. 'Lord Canning tells me', the private secretary of Dalhousie wrote, 'that we shall have an opponent in Lord Ellenborough on the ground that if Oudh is well governed and is made prosperous we shall get no more sepoy from it'. Vide Courtenay to Outram 1 March 1856, Outram Papers, 6308-44-101.

160. SCC to SFD, 27 February 1856, IPFPr, 13 June 1856, 182.

161. SCC to SFD, 27 August 1856, IPFPr, 26 September 1856, 383.

162. Ibid.

163. Dalhousie to Outram, 12 July 1855, Outram Papers, 6308-44-101.

164. Dalhousie to Outram, 21 September 1856, Outram Papers, 6308-44-101.

165. Minute of GG, 4 March 1856, IPFPr, 13 June 1856, 185.

On second thoughts, Outram considered a prohibition against wearing arms to be a better policy than proscribing their possession. Only one of the Commissioners advocated general disarming as an insurance for the security of life and property and the tranquillity of the province.¹⁶⁶ The other Commissioners considered the measure as neither feasible nor expedient.¹⁶⁷ Jackson concurred in the views of the three Commissioners. He would only go so far as to prohibit the practice of wearing arms as productive of affrays and riots. He also preferred to disarm all persons having no right in the soil. He proposed to make all persons who engaged with the government for land revenue responsible for not allowing the bad characters in their villages to keep arms.¹⁶⁸ It is difficult to understand the utility of such a distinction between the owners of the soil and others in respect of the right to possess arms.

The case for disarming the population of Oudh in 1856 was a weak one. The inhabitants of the North-Western Provinces were not disarmed and a distinction in their favour would have been invidious because the character and composition of the people in that province and Oudh was nearly the same.¹⁶⁹ The precedent of the Panjab was hardly applicable in Oudh. The measure in the former was essentially directed against the possibility of an insurrection by a people who had fought the British as an enemy. In Oudh disarming would be essentially a police measure, a safeguard mainly against criminal activities facilitated by the availability of arms. In fact, as Colonel Goldney, J.P. Grant and Canning emphasised, an armed population was an insurance against

166. C R Khairabad to SCC, 6 May 1856, IPFPr, 26 September 1856, 393.

167. C R Faizabad to SCC, 29 March 1856, IPFPr, 26 September 1856, 391; C R Lucknow to SCC, 5 April 1856, IPFPr, 26 September, 1856, 392; C R Bahraich to SCC, 6 May 1856, IPFPr, 26 September 1856, 394.

168. SCC to SFD, 18 August 1856, IPFPr, 26 September 1856, 382; Copy of Proposed Proclamation, IPFPr, 26 September 1856, 399.

169. Minute of GG, 17 September 1856, IPFPr, 26 September 1856, 396.

crime as they would be better able to defend their persons and property.¹⁷⁰ The undermanned, weak and often corrupt police could not afford as much protection in individual cases as the known possession of arms would do. There is some substance in the following assertion of Grant: 'If a Government prevents my keeping a weapon to defend myself from robbers, it is bound to keep an armed watchman for my defence'.¹⁷¹ Moreover, criminals usually managed to keep arms illegally as the tools of their trade; their task would be facilitated by disarming their would be victims. In contemporary conditions disarming would indeed have been a bad police measure.

Canning considered that the martial spirit of the people of Oudh was something to be cherished.¹⁷² It was an invaluable asset which benefitted the government also; Oudh supplied a steady stream of willing and good recruits for the armies in the three presidencies. Canning was not willing to destroy their spirit by unnecessary disarming measures.¹⁷³ His judgement was endorsed by Lord Stanley even after the experiences of the Revolt.¹⁷⁴

Canning's decision against disarming the population of Oudh came under sharp attack during and after the Revolt. Dalhousie held Canning responsible for the stubborn resistance of the civil population of Oudh and for the difficulty experienced in reducing it.

170. Ibid.; Minute of J. P. Grant, 18 June 1856, IPFPr, 26 September 1856, 396; C. R. Faizabad to SCC, 29 March 1856, 26 September 1856, 391.

171. Minute of J. P. Grant, 18 June 1856, IPFPr, 26 September 1856.

172. Minute of G. G. 17 September 1856, IPFPr, 26 September 1856, 396.

173. Ibid.

174. Despatch from the SOS, 13 October 1858, 4.

General disarming 'would unquestionably have been carried into effect', wrote Dalhousie, 'if I had continued to rule, and that those who neglected or pooh-poohed the measure have much to answer for'.¹⁷⁵ Critics of Canning wrote with the wisdom of hind sight. On the basis of available information Canning found valid reasons for refusing to disarm Oudh.¹⁷⁶ The causes of the mutinies, and the civil rebellion that followed them, were much more extensive and deep than the mere possession of arms by the people of Oudh.

Disarming the population would not have led to an appreciable reduction in crime. It did not do so after the reoccupation of the province in 1858 when it was strictly enforced.¹⁷⁷ The Panjab Commission did not claim that disarming had much share in the suppression of crime. It conceded, and truly, that a man bent upon the commission of a crime would always find a weapon for it.¹⁷⁸

Following the example of the Panjab, the Government of India decided to raise a three-fold agency for the maintenance of law and order and the prevention and detection of crime in Oudh. A Field Force composed of regular army units was moved into Oudh at the time of the annexation to forestall any attempt to thwart or to oppose its annexation. It was also to hold the province till the Oudh Irregular Force could be raised and be ready to take over its duties.¹⁷⁹

175. Dalhousie to a correspondent, Baird, J.G.A., Private Letters of the Marquess of Dalhousie, 403; Another letter from Dalhousie, 5 March 1858, Ibid. 408-10.

176. Despatch from SOS, 13 October 1858, 4.

177. See Chapter 6, infra.

178. C. R. Bahraich to SCC, 6 May 1856, IPFPr, 26 September 1856, 394.

179. Minute of GG, 13 February 1856, FPC, 6 June 1856, 210-215.

The Field Force was not to be a permanent fixture in Oudh and was to be replaced by the Oudh Irregular Force. The latter was to be the main military organisation for peace keeping purposes.¹⁸⁰ It was raised mainly from among the soldiery of the King. Outram would not hear of any outsider being enlisted in it. Many of the King's regiments were taken into service in their entirety instead of recruiting men separately and then mixing them up in various units.¹⁸¹ In the hurry and anxiety to raise the Force in the shortest possible time the recruits were not properly screened and many ill disposed and disaffected men got entry in its ranks. They could not be weeded out later though Jackson tried hard to do so.¹⁸²

The method of recruiting the force proved to be very unfortunate. They could not be relied upon. They remained closely tied to each other and their sympathies and feelings remained largely unaltered. The mistake was soon realised.¹⁸³ Canning anxiously wanted to remedy the evil by regrouping them but he hesitated to create an impression of distrust.¹⁸⁴ In fact the first open signs of disaffection in Oudh were exhibited by the 7th Oudh Irregulars. The men of the force had no reason to like their new masters who, besides being strict disciplinarians, had deprived them of the avenues of loot and illicit gains to which they were used while serving the King.

180. SFD to CC, 4 February 1856, 124, FPC, 6 June 1856, 193.

181. Ibid., 125; Lawrence to Bernard, 7 April 1857, Henry Lawrence Collection, 40C.

182. Jackson to Canning, 15 June 1856, Canning Papers.

183. Ibid., Jackson to Canning, 1 June 1856, Canning Papers; MSCC to SFD, 23 May 1856, IPFPr, 26 December 1856, 154.

184. Canning to Jackson, 9 June 1856, Canning Papers.

The new administration did not inherit any police organisation in Oudh. Except in the towns and the capital, where there was a rudimentary form of the corrupt and inefficient police, the police duties fell in the province of the Nazims who performed them, whenever it was convenient to them, with the help of the soldiers that were assigned to them. The Government had to provide for the organisation of the police from scratch and the district officers were directed to raise a police immediately after assuming the charge of their districts.¹⁸⁵

As in every other branch of the administration, the Oudh Commission was to follow the Panjab pattern of a 'double police'. There were to be two separate forces for police duties, the military and the civil or district police.¹⁸⁶ After the success of the Sindh police raised by Sir Charles Napier after the pattern of the Irish Constabulary, Henry Lawrence tried to introduce a similar system in the Panjab. But several modifications resulted in the emergence of a double police.¹⁸⁷ The military police of Oudh was to be under the command of a Superintendent directly answerable to the Chief Commissioner. The civil police was to follow the traditional pattern of the older provinces. It was to be under the charge of the district officers and the Commissioners were to function as the Superintendents of Police in their divisions.¹⁸⁸ In view of the small area of Oudh and the expected peaceful transfer of the province Dalhousie was not at first convinced of the need of a military police in Oudh. But he yielded to Outram who thought that the armed and

185.SFD to CC, 4 February 1856, 12-14, FPC, 6 June 1856, 193.

186.Ibid., 57.

187.Speech of Frere in the Legislative Council enclosed with Frere to Wood, 22 October 1860, Wood Collection.

188.SFD to CC, 4 February 1856, 101-107, FPC, 6 June 1856, 193.

martial people of Oudh as well as the gangs of dacoits which infested it would render a police force with the military organisation indispensable.¹⁸⁹ Actually with a large force of Irregulars, the military police was redundant in Oudh. Any procedural difficulty in requisitioning it through set channels could have been adjusted with a little effort. In fact in organisation and in many of its functions it was a military body and not purely a police force.¹⁹⁰ The multiple military and police forces in Oudh having overlapping functions and duties caused unnecessary expenditure to the government.¹⁹¹ But the chief reason for the continuation of the system in the Panjab and Oudh was that the Chief Commissioners wanted to have their own private armies, solely under their command, for the use of which they would not have to apply to the Commander-in-Chief on every occasion.

Three battalions of the Military Police and three troops of 100 sabres each were raised in Oudh. The old Frontier Police of Oudh was merged with it and its superintendent, Captain Weston, was appointed the Superintendent of the new force.¹⁹² Jackson even wanted to add an artillery unit to it which was rightly negated by the government; a police force hardly needs artillery.¹⁹³ It was to help the district police in the suppression of violent criminals and the turbulence of the people; escorts and guards for officers,

189. Dalhousie to Outram, 12 July 1855, Outram Papers, 6308-44-101; Memorandum Regarding the Irregular Force and Military Police, FPC, 6 June 1856, 210-215.

190. Resolution HD, 17 August 1860, Harirao, P., The Indian Police Act, 117.

191. Report of the Police Commission, 8 September 1860, Harirao, op.cit. 129.

192. SFD to CC, 4 February 1856, 57, IPFPr, 6 June 1856, 193; Proposed Civil Establishment for Oudh, FPC, 6 June 1856, 190.

193. MSCC to SFD, 23 May 1856, IPFPr, 26 December 1856, 154; SFD to CC, 30 June 1856, IPFPr 26 December 1856, 159.

prisoners, treasure and public buildings were to be furnished by the force. The powers of joint-magistrate were conferred on its Superintendent for enforcing the discipline and good conduct on his men. The units of the force when employed in the districts were to be under the orders of the local executive officers.¹⁹⁴

The divided control over the Military Police when on active duty in the districts could cause friction between the local executive and the police officers. The risk of such unpleasantness increased with the bestowal of the powers of joint-magistrate upon the Superintendent. Jackson put an untenable interpretation on Government directions in this regard and ruled that only the Superintendent would have the cognizance of crimes in which all the parties were policemen.¹⁹⁵ Naturally the government regarded his view as 'objectionable in principle and embarrassing in practice!'¹⁹⁶ A man with an imperfect sense of proportion and judgement, Jackson might have been partial to a force which was under his own orders; he failed to visualise the effect of his interpretation on the administration of which he was the chief. He censured Captain Carnegie very sharply for claiming jurisdiction over the case of a murder of a policeman by another though the latter had been subjected to rash and insulting treatment by Captain Weston.¹⁹⁷

194. SFD to CC, 4 February 1856, 57-58, IPFPr, 6 June 1856, 193.

195. SCC to JC, 26 July 1856, IPFPr, 24 October 1856, 142.

196. SFD to CC, 27 August 1856, FPr, 24 October 1856, 39;
Canning to Jackson, 14 September 1856, Canning Papers.

197. SCC to JC, 26 July 1856, IPFPr, 26 October 1856, 42; JC to SCC, 21 July 1856, IPFPr, 24 October 1856, 41.

The process of raising the civil police was more dispersed. District officers were to appoint, promote and punish the policemen. In the interior the Tahsildars were the Chief police officers and their relations with the Thanadars were to be regulated by the Panjab rules. But they were not to interfere with the latter's work unduly.¹⁹⁸ The force was to be composed of men of Oudh. Discharged soldiers were given preference in recruitment though this led to the injudicious selection of some officers.¹⁹⁹

Ommaney, who was responsible for the efficient working of the civil police, tried to increase the pay and prospects of promotion. He thought that most of the defects of the police in the older provinces were the result of the poor emoluments of police officers and men. He was fully supported by the Chief Commissioner in this respect and the pay of the Oudh policemen and the number of the grades in which the officers were divided were substantially higher than the older provinces. The rank of Dafadar was a new one created for improving the prospects of the Barkandazes or constables.²⁰⁰ After detailed enquiry and considerable controversy - that bane of the Jackson administration of Oudh which enveloped all its aspects - Ommaney provided for a permanent establishment of 125 Thanadars and Kotwals, 253 Jamadars of all grades, 225 Dafadars and 3,291 Barkandazes at the monthly cost of 36,680 rupees. All the 125 police circles or Thanas were precisely marked.²⁰¹

198. Rules for Police, 4 and 7, IPFPr, 27 November 1856, 95; SFD to CC, 4 February 1856, FPC, 6 June 1856, 193.

199. SCC to SFD, 26 February 1856, IPFPr, 13 June 1856, 181; JC to SCC, 30 June 1856, IPFPr, 29 August 1856, 68.

200. JC to SCC, 15 January 1857, IPFPr, 27 November 1857, 94.

201. Ibid.

A road police was also organised for protecting the traffic on the principal lines of roads in the province. There was an urgent need for making the roads secure as a prerequisite for encouraging commerce. As a string of posts all along the roads would be too expensive, Ommaney appointed 885 Chaukidars from among the Pasis. They were to be part of the police force.²⁰²

The northern Tarai forests were the ideal refuge for gangs of dacoits and other violent criminals. Two special forest posts, were established in each of the three districts of the Bahraich division which contained most of the Tarai forests.²⁰³

The police establishment was inadequate for the needs of Oudh. It was calculated on the basis of an estimated population of five millions.²⁰⁴ The census of 1869 returned a population of nearly eleven million, or nearly the double of the original estimate.²⁰⁵ Even if we assume an increase of one million in the population of Oudh over a period thirteen years after the annexation the ratio of the policeman to the population would be about 1:2800. There was only one policeman to more than six square miles of the area of Oudh. These proportions would appear to be especially low when the turbulence of the people of Oudh and the general insecurity of the life and property there before 1856 are taken into consideration.

The police arrangements of the vast city of Lucknow covering an

202. Ibid.

203. Ibid.

204. JC to SCC, 18 August 1856, IPFPr, 26 September 1856, 384.

205. Population of Oudh etc. F Gen C, August 1869, 49-50.

area of eighteen square miles and containing a population of between six and seven hundred thousand people was particularly inadequate.²⁰⁶ A large section of its people was of loose and profligate character - a legacy of the conditions prevailing during the King's rule.²⁰⁷ About 20,000 'ruined followers of the Court and the disbanded soldiers' lived there.²⁰⁸ Such a town was to be looked after by about 400 policemen.²⁰⁹ Thus, on average, there was one policeman for about 1,600 people and twenty two of them policed one square mile in the city. The inadequacy of the police at Lucknow becomes more apparent when it is compared with the police establishments of the other major cities of India as is exhibited in table 2.1. The Presidency towns had been the longest under the British rule enjoying the benefits of an orderly government while Lucknow had only recently been taken over from a notoriously mismanaged and capricious administration. Obviously the police at Lucknow was greatly undermanned and its inhabitants were less well served than other towns of the comparable size and population. It partly explains the high incidence of crimes in the city.²¹⁰

206. SCC to SFD, 2 May 1857, FPC, 12 June 1857, 114-115;
Lawrence to Canning, 18 April 1857, Canning Papers.

207. JC to SCC, 15 January 1857, IPFPr, 27 November 1857, 94.

208. Lawrence to Canning, 18 April 1857, Canning Papers.

209. JC to SCC, 15 January 1857, IPFPr, 27 November 1857, 94;
It does not give the total number of policemen at Lucknow. It mentions that the Kotwali had 60 constables and the other thanas had 30 each. Allowing two Jamadars and two Dafadars in each of the eleven thanas, the total number of policemen at Lucknow would amount to about 400.

210. JC to SCC, 15 January 1857, IPFPr, 27 November 1857, 94.

TABLE 2.1.²¹¹

Comparative strength of the police in Lucknow, Calcutta, Bombay and Madras

Town	Strength of the Police force	Population	Number of people per Policeman	Area in square miles	Number of policemen per square mile
Lucknow	400	600,000 to 700,000	about 1,625	18	22
Calcutta excluding suburbs	1,519	415,063	273	8	190
Bombay	1,032	550,000	533	21	49
Madras	815	700,000	859	27	30

No arrangement was made for the training of the civil police. The policemen were posted to thanas after the recruitment. There was no superior agency specialised in the police work. The district officers were to control and supervise them.²¹² Under the non-regulation system they were to perform duties in all the branches of administration. Moreover they had to attend to the work incidental upon the administration of a new province. Two summary settlements in quick succession must have taken up a large slice of their time. They could not have devoted, under the circumstances, enough time to supervise the police effectively and to instruct in the proper performance of its duty. As a result it was left much to its own resources. It could not face any organised opposition and as a result it disintegrated as soon as the disturbances broke out in the summer of 1857.

211. The data for the table has been extracted from the Despatch from the Court of Directors to Government of India, Judicial, 10 December 1856, 51.

212. SFD to CC, 4 February 1856, 101-107, FPC, 6 June 1856, 193.

The problem of corruption in the police force plagued the Oudh administration. It appeared almost from the commencement of the new administration. Many police officials were dismissed on this account.²¹³ In fact the evil was endemic in the police of all the provinces in India. The most significant cause for this in Oudh was the quality and antecedents of the men recruited for the force. Most of them were taken from among the men about to be discharged from the King's armed forces. They were, under the King's regime, indisciplined and the oppressors of the people and were regarded as a scourge in areas where they were posted.²¹⁴ It was idle to expect them to become honest and conscientious policemen overnight. The Judicial Commissioner had to regret the choice of many police officials of this type.²¹⁵

The pay allowed to the policemen in Oudh, though it was higher than that obtainable in the older provinces, was still very low. The salary of the Kotwal of Lucknow was fixed at 200 rupees per month. The same official had been paid 450 rupees during the King's regime; yet the salary structure of his government was never known to be liberal. Fifty rupees was a poor compensation for the responsibilities that a thanadar shouldered. The Barkandazes, or constables, were paid at rates that were little better than a bare subsistence.²¹⁶

The prospects of promotion in the police were quite discouraging for honest and painstaking work. Ommaney substantially improved

213. Return of uncovenanted officers dismissed within the half year, IPFPr, 12 June 1857, 92.

214. SFD to CC, 4 February 1856, 125, FPC, 6 June 1856, 193.

215. JC to SCC, 30 June 1856, IPFPr, 29 August 1856, 68.

216. JC to SCC, 15 January 1857, IPFPr, 27 November 1852, 94.

them by a system of multiple grades.²¹⁷ But they were still far from satisfactory. They appeared to be especially so when compared with the revenue and judicial branch in which a capable and efficient person could rise to be a Tahsildar or even an Extra Assistant Commissioner. Christian proposed to amalgamate the revenue and police establishments to improve the prospects of the latter.²¹⁸ It was an impractical solution of a difficult problem as the nature and requirements of the two branches were very different.

Another serious charge against the police was the use of oppressive means in the investigation of crime. This was partly the result of the absence of any training in the police methods and a want of proper supervision. The great majority of policemen were Muslims and Kayasthas, who had had earlier training in Muslim law, which relied upon confessions as valid evidence irrespective of the methods used to obtain them. Police officers were always censured for failure to obtain convictions in cases launched. So they often used oppressive means to elicit confessions or vital clues.²¹⁹ The Commissioners in Oudh, being aware of the practice, were unanimous in distrusting thana confessions.²²⁰ In fact the practice of combining the judicial function of recording evidence and confessions with the police duties of detection and prevention of crime provided ample opportunities of corruption and oppression. Jackson's strong defence of this system was based upon thin grounds; he argued that the higher pay allowed to thanadars and the deterrent punishment inflicted upon them for oppression would cure abuses.²²¹ This

217. Ibid.

218. CR Khairabad to JC, 18 June 1856, IPFPr, 17 October 1856, 281.

219. JC to SCC, 28 June 1856, IPFPr, 17 October 1856, 280.

220. Ibid.

221. SCC to SFD, 23 May 1856, IPFPr, 17 October 1856, 279.

defence itself indirectly admitted the existence of this misuse of power.

The Supreme Government, being aware of the vital importance of the village police, had instructed the Oudh Commission to take the earliest steps for their revival and reorganisation.²²² As in other parts of India, the village police in Oudh was an old institution and possessed considerable vitality. The Chaukidars were the servants of the village community and they were paid either in cash or rent free land assignments or by both; in addition they had customary perquisites, such as gifts on the occasion of festivals and other auspicious ceremonies.²²³ The village police was free from government interference. In fact in most of the province the Chaukidars were the only persons in the interior who performed the regular police function of the detection of crimes. A vast majority of the Chaukidars were Pasis, a low caste of people, who were known for their loyalty and faithfulness to their masters.²²⁴

The Government ordered the Oudh Commission to reorganise the village police on the principles practised in the North-Western Provinces. Simultaneously with the summary settlement, a specific provision was to be made in the assessments for the Chaukidar cess.²²⁵ The payment to them was to be made out of this cess. However, the question of the village police was soon bogged down in a controversy.

222. SFD to CC, 4 February 1856, 14 and 15, FPC, 6 June 1856, 193.

223. Montgomery report on administration of Oudh, 288, IPFPr, 27 May 1859, 366A.

224. JC's Memorandum on Village Police, IPFPr, 24 April 1857, 394.

225. SFD to CC, 4 February 1856, 14-15, FPC, 6 June 1856, 193.

Gubbins, taking advantage of the question of the disposal of the Chaukidari fund, instructed the officers to pay the Chaukidars in cash and to substitute higher caste men for the existing Pasis among them.²²⁶ Ommaney resented this intrusion of Gubbins into his sphere of duties and strongly advocated the traditional mode of remunerating the Chaukidars by the village proprietary. He was against the diminution of the control of the landholders over them on the ground that otherwise the enforcement of their responsibility for the reporting and detection of crime could not be enforced.²²⁷ In fact too sudden and complete a departure from the traditional system would have been harmful and was likely to upset an established organisation. It is true that the old system could not be maintained in entirety, as later experience was to prove, but a sudden change would have been equally harmful.²²⁸ Outram approved of the suggestions of Ommaney though he insisted rightly that officers should ensure that the total remuneration should not be worth less than three rupees per month; wherever it would be found to be so the amount by which it fell short of three rupees be paid from the Chaukidari fund.²²⁹

Ommaney was opposed to the change in the personnel of the village police. He did not want to supplant Pasis with men of the higher caste.²³⁰ Outram, agreeing with Gubbins, directed the employment of men of higher caste in the village police. He also ordered, however, that the change in personnel should be gradual.²³¹ It is rather

226. JC to SCC, 4 April 1856, 24 April 1857, 393.

227. JC's Memorandum on Village Police, IPFPr, 24 April 1857, 394.

228. See Chapter 4, infra.

229. SCC to JC, 8 April 1856, IPFPr, 24 April 1857, 395.

230. Memorandum on Village Police, 24 April 1857, 394.

231. SCC to JC, 8 April 1856, 24 April 1857, 395.

difficult to explain the preference of Gubbins and Outram for Brahmans and Rajputs. Possibly the great reputation enjoyed by these two castes of Oudh for their bravery, steadiness and loyalty might partly be the cause. On the other hand the notoriety of the Pasis in respect of offences against property might also have influenced the views of these officers. The result of this policy was that a large number of Chaukidars lost their employment and were replaced by men of the higher caste.²³² The latter were not so efficient as Chaukidars and did not enjoy serving in that capacity as it was associated with the low caste Pasis.

The village police also became an issue in the partisan controversy between Ommaney and Jackson. Ommaney had directed that no payment be made to the Chaukidars out of the Chaukidari fund until their pay was less than three rupees.²³³ Christian, the impulsive Commissioner of the Khairabad division who was prone to ignore the orders of his superiors, ordered payment from the fund without sufficient warrant and without the requisite enquiry through the corrupt agency of the Thanadars. Ommaney on being aware of it peremptorily ordered him to stop further payments.²³⁴ Jackson at once jumped to the support of his protege, Christian.²³⁵ Canning upheld the stand of Ommaney.²³⁶ But the mischief had already been done. The stoppage of the payments from the fund bred discontent among the Chaukidars.²³⁷ The principal officers, acting at cross

232.AAR, 1859-60, 65.

233.JC to All CR's, 12 April 1856, IPFPr, 24 April 1857, 396.

234.JC to SCC, 6 January 1857, IPFPr, 24 April 1857, 398.

235.SCC to JC, 19 January 1857, IPFPr, 24 April 1857, 399.

236.SFD to CC, 21 April 1857, IPFPr, 24 April 1857, 404.

237.JC to SCC, 6 January 1857, IPFPr, 24 April 1857, 398.

purposes, could only have confused their subordinates and done damage to the system that they were supposed to work.

The landholders and the village communities were entrusted with the responsibility of preventing crime and, cooperating with the police in the detection and apprehension of criminals. The pledge to perform such duties was incorporated in engagements taken from the landholders at the summary settlement.²³⁸ But the enforcement of such responsibilities was difficult and often impracticable. Of course the landholders were, in theory, responsible for the reimbursement of any loss of property at the hands of criminals which occurred due to their neglect of duties. But compensation could be realised only by a lengthy civil suit. The Government therefore sanctioned a proposal of Ommaney that the liability of the landholders be at once enforced if there were sufficient grounds to infer their connivance or a clear want of precautions on their part.²³⁹

The municipal police was to be maintained in urban areas on the lines of the Panjab. During the King's regime such police was maintained at the expense of the Government.²⁴⁰ Under the new administration it was made a charge on the town funds to be created by a system of town duties as was the practice in the Panjab. Dalhousie's government regarded direct taxation by way of the Chaukidari cess, levied in the towns of the North-Western Provinces, as obnoxious to the people.²⁴¹ The town police was well organised in Oudh except in the Khairabad division. Christian, the Commissioner

238. JC to SCC, 12 November 1856, IPFPr, 29 May 1857, 71.

239. Ibid.; SFD to CC, 28 May 1857, IPFPr, 29 May 1857, 73.

240. Bhatnagar, G. D., Awadh under Wajid Ali Shah, 186-87.

241. SFD to CC, 4 February 1856, 64, IPFPr, 6 June 1856, 193.

of the division, ignoring the orders, abolished the town duties in his division without providing for the town police. Very strangely he still maintained the town Chaukidars. This created confusion and led to the disorganisation of the municipal police in his division.²⁴²

The judicial administration of Oudh was established on the non-regulation pattern. It was to follow closely the Panjab model. All the officers of the Commission below the Chief Commissioner had judicial duties to perform. The Commission was specially directed to do away with the needless and complex forms and technicalities which encumbered the judicial procedure in the older provinces.²⁴³ The Supreme Government was so insistent on this aspect that it refused to appoint Garland, the Munsif at Agra, as Extra Assistant Commissioner in Oudh because his entire training in the regulation system unfitted him for service in Oudh.²⁴⁴

It is difficult to gauge the amount of business despatched by the criminal courts of Oudh due to the fragmentary nature of the records available. However, casual references in official papers indicate that the pressure of work on courts must have been heavy. For instance, it was reported that the Special Assistant of Lucknow despatched more business in the first six months of British rule than the magistrate of Benares and all his assistants did in a year.²⁴⁵ Sir Henry Lawrence had to ask urgently for one more officer of his category for Lucknow to relieve him.²⁴⁶ The number of pending

242. JC to SCC, 6 January 1857, IPFPr, 24 April 1857, 398.

243. SFD to CC, 4 February 1856, FPC, 6 June 1856, 193.

244. SFD to CC, 24 March 1856, IPFPr, 13 June 1856, 224.

245. JC to SCC, 15 January 1857, IPFPr, 27 November 1857, 94.

246. SCC to SFD, 2 May 1857, FPC, 12 June 1857, 114-15.

cases in Oudh was very large. In the second quarter of 1856, there were 122 cases before the Sessions Courts of which thirty nine, or 32 per cent, remained pending and were carried over to the next quarter. The highest proportion of pending cases were in Khairabad and Faizabad amounting to 43 and 38 per cent respectively.²⁴⁷ These statistics indicate that the courts in the province were burdened with a heavy amount of criminal work.

The district officers had to look after all the branches of the administration. They were saddled with two summary settlements besides establishing law and order and the pacification of province notorious for disorders.²⁴⁸ The high proportion of pending judicial work might have been the result of this. Twelve Deputy Commissioners, 36 Assistants and Extra Assistants and a few Tahsildars, formed the magistracy of a province, containing more than ten million none-too-peaceful people, and covering about 24,000 square miles in area. The province certainly needed more magistrates.

The main feature of the non-regulation system was the exemption of the province from the operation of the rigid regulations. Only the spirit of the regulations was to be enforced in Oudh.²⁴⁹ As a later Chief Commissioner was to describe it, the courts in Oudh were intended more to be courts of equity than of law.²⁵⁰ The procedures and processes in the courts were to be informal in that emphasis would be on the mutual confrontation of the parties. The magistrate in a new province must necessarily have a large discretion to

247. Abstract drawn from Sessions Statements, IPFPr, 24 April 1857, 145.

248. Margin note of Edmonstone on FC to SCC, 11 March 1856, 11, FPC, 13 June 1856, 316-320.

249. SFD to CC, 4 February 1856, 52, IPFPr, 6 June 1856, 193.

250. SCC to SFD, 11 July 1859, IPFPr, 11 November 1859, 96.

enable him to meet the local needs. The government, while allowing this, cautioned the Commissioners to be careful that the limits of sound discretion were not overstepped by the young magistrates.²⁵¹

The criminal law of the Presidency of Fort William, whose spirit was to be enforced in Oudh, was based on Muslim Law, extensively modified to make it acceptable to the liberal thinking of the nineteenth century.²⁵² The Oudh administration was to be guided by the Panjab judicial circulars. The Government was ready to allow a departure from the principles of some regulations if the local conditions required it.²⁵³

The Supreme Government and the officers in Oudh were unanimous in condemnation of the Vakils and Mukhtars, or lawyers. They were supposed to be intriguing by nature and to use foul means to further their interests. It was thought that they mystified and distorted the facts and encouraged litigation. It was considered that they developed a vested interest in the prolongation of cases rather than their quick disposal. Often they were found to be relatives of the persons employed as clerks in courts and offices and misused their connections. But it was little realised that they were the products of the complicated and highly technical judicial system established by the Cornwallis Code. The Government therefore ordered their exclusion from the Oudh courts.²⁵⁴ Ommaney's recommendation to allow defence counsel in Sessions Courts for the

251. SFD to CC, 4 February 1856, 52, FPC 6 June 1856, 193.

252. Stokes, W., The Anglo Indian Codes, i, 2; Cambridge History of India, vi, 79.

253. SFD to CC, 28 May 1857, FPC, 29 May 1857, 68 to 74.

254. SFD to CC, 4 February 1856, 54, FPC, 6 June 1856, 193; JC to SCC, 14 May 1856, IPFPr, 26 September 1856, 357; SCC to JC, 28 May 1856, IPFPr, 26 September 1856, 360.

benefit of the accused in serious cases was turned down.²⁵⁵

Jackson had, however, foreseen that the growing intricacies and difficulties in judicial trials would soon necessitate the appearance of lawyers.²⁵⁶

In spite of all these precautions, the judicial system did not become popular with the people of Oudh who were accustomed to a rough and ready type of summary justice. For them even the much simplified form of procedure was difficult to understand. The large number of clerks brought from the North-Western Provinces were well versed in the technicalities of the law courts. They tried to use them as much as possible for their personal benefit.²⁵⁷ The recording of evidence was generally left to evidence writers who were venal and often prevented the truth from reaching the presiding officers.²⁵⁸ As a result, as the Secretary of State for India commented, in the short time of sixteen months the government contrived to establish a general dread and detestation of the law courts in Oudh.²⁵⁹

Considerable difficulty was felt about the trial of European British subjects in Oudh. A large number of such persons lived at Lucknow and its neighbourhood and with the introduction of British rule it was bound to increase.²⁶⁰ Judicially, their position was anomalous

255. JC to SCC, 14 May 1856, IPFPr, 26 September 1856, 357.

256. SFD to CC, 2 September 1856, IPFPr, 26 September 1856, 356.

257. Letter from an Oudh officer, 12 March 1857, Henry Lawrence Collection, 40A.

258. Montgomery Report on Administration, 312, IPFPr, 27 May 1859, 366A.

259. Despatch from SOS, Political, 24 April 1860, 33.

260. JC to SCC, 7 April 1856, IPFPr, 19 September 1856, 41.

as they could be tried only in the Crown's courts located in the Presidency towns to which they could be committed by the Justices of Peace. The Supreme Court could appoint Justices of Peace for the Presidency of Fort Williams to which Oudh was not annexed. The Advocate General thought that Europeans could not claim exemption from the Oudh courts as British laws had not been introduced there.²⁶¹ The Government was very unwilling either to accept it or to amend the law in view of the forthcoming Code of Procedure. Therefore all the Deputy Commissioners and officers above them were appointed Justices of the Peace.²⁶² But this step was not enough. The Europeans still enjoyed practical immunity from criminal trials unless they committed very serious and violent offences, due to practical difficulties and the great amount of expenditure involved in the transportation of all parties and witnesses to Calcutta for a trial in the Supreme Court.²⁶³

Following the precedent of the Panjab, the Chief Commissioner ruled that the courts should not take cognizance of offences committed before the annexation, as they could be punished only by the government whose laws were violated.²⁶⁴ This was a device to prevent the courts from being glutted by the trial of offences committed anterior to the assumption of the government. But the precedent of the Panjab was hardly applicable in Oudh in this respect. The former province was an enemy country which was annexed by right of conquest which enabled the conqueror to take arbitrary decisions about matters relating to the period of enmity. Oudh

261. Opinion of Advocate General, 10 May 1856, IPFPr, 19 September, 1856, 144.

262. SCC to SFD, 8 April 1856, IPFPr, 19 September 1856, 140; Solicitor General to SFD 11 August 1856, 19 September 1856, 153.

263. See Chapter 5, *infra*.

264. SCC to SFD, 6 March 1856, IPFPr, 27 June 1856, 223.

became a British province by virtue of a peaceful transfer and the government was the successor to all the liabilities and obligations of the preceding government. It was legally and morally wrong to let criminals loose on the people of Oudh without any security for their future good conduct, however conclusive the proof against them might be. Moreover the criminal law administered by the King was the Muslim law which was also the basis of that administered by the Oudh courts after the annexation. The Supreme Government was aware of the injustice which would be done to the people by refusing to try offences committed before the annexation. It ordered, therefore, that serious cases in this category should be tried by the Oudh courts though the sentence on them were to be recorded only after obtaining its permission.²⁶⁵

The judicial administration was hampered by the bitter controversies between the Chief Commissioner and the Judicial Commissioner. Jackson, taking shelter behind the words 'plenary authority and control', used to describe his powers, started interfering in matters of a purely judicial character. He admitted petitions from the parties to various cases, ordered retrials and even altered sentences passed by the Judicial Commissioner in his capacity as the ultimate tribunal of the province. This led to a bitter row. The Government of India had to intervene to stop such an unseemly controversy. It told Jackson in unmistakable terms that he could not interfere with the judicial awards of Ommaney as he had only a veto over the death sentence.²⁶⁶ Whenever Jackson was displeased with Ommaney

265. SFD to CC, 23 June 1856, IFPPr, 27 June 1856, 226.

266. SCC to SFD, 14 November 1856, JC to SCC 9 November 1856, SFD to CC, 9 December 1856, IPFPr, 24 April 1857, 248, 249 and 252 respectively; SFD to CC, 26 December 1856, IPFPr, 24 April 1857, 262.

on any issue, he would tell him in typically school masterly fashion not to leave Lucknow till the task at issue was completed.²⁶⁷ Such orders hampered the work of the judicial system in a new province. Again the Supreme Government had to intervene to tell Jackson that tours through the province and local enquiries were essential for the successful discharge of the duties of the Judicial Commissioner.²⁶⁸ Such petty interference on the part of the Chief Commissioner could only be demoralising and harmful to good administration.

Amidst the multifarious and pressing duties falling upon the officers in Oudh during the early stages of the administration of the new provinces there was hardly time to develop any well considered policy regarding punishments. Prisons had to be constructed in the districts and the most pressing problem seemed to be that of keeping the prisoners safely segregated from the society. The question of penal labour in the jails and good prison management were secondary. The government had directed the establishment of a central jail at Lucknow and a smaller one at the headquarters of each district.²⁶⁹ The district jails were nearly all improvised and many of them like those at Mohamdi, Sitapur and Bahraich were in a deplorable state; a large portion of Mallaon jail containing a very makeshift structure of thatches was destroyed by fire.²⁷⁰ The Central Jail at Lucknow had a better building, a portion of which

267. SCC to JC, 29 October 1856, FPPr, 12 December 1856, 162. In this letter Ommaney was told that his judicial duties would be better performed when he was stationery 'than when perambulating the country'. SCC to JC, 25 November, 1856, IPFPr, 24 April, 1857, 307.

268. Minute of GG, 10 November 1856 and minute of J.P. Grant, FPPr, 12 December, 1856, 163.

269. SFD to CC, 4 February 1856, 59, FPC, 6 June 1859, 193.

270. JC to SCC, 19 November 1856, IPFPr, 24 April 1857, 298; JC to SCC, 1 December 1856, IPFPr, 26 June 1857, 309.

included an old prison.²⁷¹ But it suffered from neglect, bad management and poor security arrangements. The prisoners were not classified there and heavy implements in the workshops were accessible to them. Still Ommaney certified it to be in 'an excellent state'.²⁷² An emeute and escape of 61 of the worst of the prisoners in November because of these defects proved the hallowness of the claim.²⁷³ The poor diet and insanitary conditions led to a very high rate of mortality and defficiency diseases.²⁷⁴

In fact the jail management also became a serious issue in the official controversies between Ommaney and Jackson. The correspondence following the emeute in the Lucknow jail was full of recriminations and abuse and was not confined to the points at issue.²⁷⁵ The proper execution of judicial punishment seemed to be nobody's concern. Only after the arrival of Henry Lawrence at Lucknow was the situation changed. He took the first opportunity to visit the Central Jail, which had been his practice at Lahore and in Rajputana. He immediately ordered the construction of jails in some districts and was working on a comprehensive scheme of prison management with Dr. Ogilvie, the Inspector of Prisons, when the disturbances overtook Oudh.²⁷⁶

271. JC to SCC, 18 March 1856, IPFPr, 13 June 1856, 268.

272. SCC to JC, 21 November 1856, IPFPr, 24 April 1857, 298; JC to SCC, 1 December 1856, IPFPr, 26 June 1857, 309; JC to SCC, 16 December 1856, IPFPr, 24 April 1857, 311.

273. Ibid.; SCC to SFD, 12 January 1857, IPFPr, 24 April 1857, 293.

274. SCC to SFD, 20 March 1856, IPFPr, 24 April 1857, 201; Extract from Jail Visitors Book, IPFPr, 24 April 1857, 300; SCC to SFD, 12 January 1857, IPFPr, 24 April 1857, 293.

275. The Correspondence is available in IPFPr, 24 April 1857, 293-359.

276. Lawrence to Bernard, 7 April 1859, Henry Lawrence Collection, 40C; SCC to SFD, 20 May 1857, IPFPr, 26 June 1857, 138.

General insecurity and extensive crime constituted a major problem for the new government in Oudh. The existence of the large gangs of freebooters, armed violence and insecurity, which the King's government was not able to check had been an important plea for the annexation.²⁷⁷ The Oudh Commission was specifically charged with the speedy establishment of order and good government in the province.²⁷⁸

Immediately after the annexation the crime situation in Oudh eased significantly. Even the overcrowded city of Lucknow was quiet in spite of the presence of a large section of people with uncertain means of livelihood and many employees of the late government who had gathered there for the settlement of their claims.²⁷⁹ The low incidence of crime took the officers by surprise.²⁸⁰ The reasons for this pleasant, though shortlived, state of affairs were not far to seek. The British government had always enjoyed a great reputation for its vigour, efficiency and irresistibility. Its introduction in the province and the fear of the new order must have deterred the criminals who did not know its weak points yet.²⁸¹

Be that as it may, the reduction in violent crimes was remarkable indeed. Between 7 February and 30 April, 37 persons were killed,

277. GG to the King, IPFPr, 6 June 1856, 192; Proclamation B which was issued on 7 February 1856, IPFPr, 6 June 1856, 189.

278. SFD to CC, 4 February 1856, 12, 14 and 129, FPC, 6 June 1856, 193.

279. JC to SCC, 30 June 1856, IPFPr, 29 August 1856, 68; Ommaney to Outram, 15 June 1856, Dalhousie Papers, 180/II.

280. Goldney to Edmonstone, 20 July 1856, Dalhousie Papers, 180/I.

281. Edmonstone to Dalhousie, 9 August 1856, Dalhousie Papers, 180/I.

41 were maliciously wounded and there were 16 cases of riot.²⁸²
 It is to be borne in mind that many parts of Oudh could not be reached by the officers till the end of February and the organisation of even a rudimentary police must have taken much longer.²⁸³
 In the identical period in 1855 there occurred 202 cases of violent death and 239 of the malicious wounding.²⁸⁴

The incidence of crime subsequently took an upward swing, as was anticipated by some responsible officers. Due to the paucity of sources there is no evidence of actual incidence of crime in Oudh before the outbreak of the rebellion. There are however, two tables of crimes up to 30 June 1856. But stray references indicated a large increase in their incidence.²⁸⁵

There were many reasons for a heavy incidence of crime. During the King's regime there were large numbers of professional criminals in Oudh.²⁸⁶ Many of them were so daring as to travel as far as Calcutta on their criminal errands.²⁸⁷ They would continue their criminal activities till they were put down by severe measures.

The Taluqdars were also a source of much criminal activity. Some of them like the Raja of Tulsipur gave shelter to notorious dacoits

282. SCC to SFD, 2 June 1856, IPFPr, 26 September 1856, 379.

283. JC to SCC, 30 June 1856, IPFPr, 29 August 1856, 68.

284. SCC to SFD, 2 June 1856, IPFPr, 26 September 1856, 379.

285. CR Bahraich to JC, 26 September 1856, IPFPr, 26 December 1856, 168.

286. JC to SCC, 30 June 1856, IPFPr, 26 December 1856, 168;
 Magistrate of Allahabad to CR Allahabad, 10 April 1856, FPPr, 27 June 1856, 126.

287. Montgomery report on administration, 189, IPFPr, 27 May 1856, 366A.

whom they kept in their employ.²⁸⁸ Their retainers often took part in affrays under their direction.²⁸⁹ It was not easy for the Taluqdars to give up their habitual defiance of law, which they had learnt over a period of several decades.

The multitudes of disbanded soldiery and armed retainers of the Taluqdars must have had a share in the crimes in Oudh. At the capital thousands of hangers on of the court and nobility and those artisans and traders who catered to their needs must have found living by honest means very hard.²⁹⁰ Though it is difficult to assess their actual involvement in crime, they must have remained a problem for the law enforcing agencies.

The increased security of life and property and the anticipated security of rights in land pushed the price of land upwards and caused many persons who had left Oudh due to the tyranny of the late government to return and claim their possessions.²⁹¹ Radical changes in the tenure by settlement with the village proprietary opened the floodgates to claims and counter claims from 'selfish, grasping, wrangling men', which were not always settled in the settlement courts.²⁹² The dispossession of the Taluqdars was the

288. SCC to SFD, 29 May 1856, FPPr, 27 June 1856, 185.

289. JC to SCC, 18 August 1856, 7 and 13, IPFPr, 31 October 1856, 140.

290. JC to SCC, 13 June 1856, IPFPr, 13 March 1857, 73.

291. SCC to SFD, 27 August 1856, IPFPr, 26 September 1856; 383.

292. Goldney to Edmonstone, 20 July 1856, Dalhousie Papers, 180/I. Goldney described the situation thus: 'The political revolution passed off very quietly. I wish I could say as much for the social revolution in progress. The Zemindars are like hungry wolves, and dart upon their long lost villages with an avidity and clamour that almost makes one wish for the good old days of Talookdars.'

most extensive in the Faizabad division.²⁹³ This partly accounts for the occurrence of nine affrays in that division during the first three months of British rule; only seven cases of such crimes occurred in the rest of the province during that period.²⁹⁴

In spite of a decrease in crimes in the early period of British rule, there rate was still high in comparison with the other provinces. The number of serious crimes, excluding murders, for the period from March to June 1856 in Oudh was 293. The Panjab, with a much higher population, registered for the same period 286 cases of similar crimes in 1853, 248 in 1854 and 201 in 1855. The figure for Oudh was perhaps less than the actual number of crimes because Ommaney had grave doubts about the accuracy of reports from the Faizabad division.²⁹⁵

Faizabad and Lucknow were the divisions most given to crime, while Khairabad and Bahraich were much quieter in this respect. Murders and dacoities were the most frequent in the former two during the first three months of British rule. Highway robbery was the most frequent in the Khairabad division.²⁹⁶

Perhaps the most serious crimes before the outbreak of the Revolt were the outrages of the notorious brigands, Fazl Ali and his

293. Pemble, J., The Raj, The Indian Mutiny and the Kingdom of Oudh, 1801-1859, 149-50.

294. Statement of Crimes etc., IPFPr, 29 August 1856, 71 to 73.

295. JC to SCC, 18 August 1856, IPFPr, 26 September 1856, 384.

296. The conclusions given in the paragraph are based on JC to SCC, 30 June 1856 and five returns of crimes accompanying it, IPFPr, 29 August 1856, 68 to 73.

brother Qasim.Fazl was a daring outlaw during the King's regime. He was employed by the Raja of Tulsipur at the time of annexation.²⁹⁷ He began to attack isolated police posts in Bahraich in February 1857.²⁹⁸ He would kill police officials and retire into Nepal. He indulged in an orgy of arson, plunder and killing. The local people, who stood in terror of the brigand, gave no help to the officers pursuing him.²⁹⁹ In an encounter with him, the Deputy Commissioner, C.E. Boileau, who was personally leading the police party, was killed.³⁰⁰ It was the supreme challenge to the might of the government, and after an intensive campaign, both the brothers were killed in an encounter early in April.³⁰¹

The campaign against the depredations of Fazl indicates the magnitude of the problem of law and order after the annexation. Large areas in Northern Oudh were covered by the dense Tarai forests intersected by deep ravines and rapid streams.³⁰² Many other parts of Oudh had large jungles; the principal ones among them numbered twenty four.³⁰³ They were the favourite haunts of criminals, from which it was difficult to dislodge them. No help was forthcoming from the terror-stricken local people. It was

297.SCC to SFD, 23 February 1857, IPFPr, 6 March 1857, 85; Reeves; op.cit. 54-55.

298.SCC to SFD, 23 February 1857, IPFPr 6 March 1857, 85.

299.Ibid.

300.SCC to SFD, 19 March 1857, IPFPr, 30 April 1857, 56.

301.Ibid. SCC to SFD, 9 April 1857, IPFPr, 17 April 1857, 241.

302.An idea of the nature of Tarai region can be gained from CR Bahraich to SCC, 1 July 1856, IPFPr, 15 August 1856, 68.

303.Reeves, op.cit., 294 -297; Hunter-Weston, Forts and their Owners in Oudh.

creditable to the new administration that they succeeded ultimately in hunting many dacoits during the short period of British rule before the outbreak.³⁰⁴

Except for the early ill disposition of the Raja of Tulsipur, Oudh remained free from any sign of political disaffection before the events of May-June 1856. However, two events of strictly local extent caused considerable anxiety. The Muslim population of the cities of Lucknow and Faizabad had greatly suffered due to the loss of employment and patronage by the annexation. They also suffered from the psychological shock of no longer belonging to the ruling community of their coriligionists. As a result they were not well disposed to the new government. A conspiracy was discovered for an uprising at Lucknow during the Muharram on the Shab-i-Shahadat or night of martyrdom.³⁰⁵ Some important nobles such as Muhammad Hasan, a relative of Ali Naqi, the late prime minister of Oudh, and Mohsinuddaula were found to be involved in it.³⁰⁶ The conspiracy was discovered only after 1,367 persons had already been enrolled to take part in the projected emeute.³⁰⁷ It was a sad commentary on the intelligence agencies of the administration while it was a tribute to the ingenuity, organisation and the resourcefulness of the conspirators. Jackson had to suffer a well merited taunt from Canning on the efficiency of his administration.³⁰⁸

304. Montgomery report on Administration, 219, IPFPr, 27 May 1859, 366A.

305. JC to SCC, 14 November 1856, ISPr, 26 February 1858, 246; Jackson to Canning, 19 October 1856 and 5 October 1856, Canning Papers.

306. Ibid.; Ommaney to Jackson, 18 October 1856, Canning Papers.

307. CR Lucknow to JC, 4 November 1856, ISPr, 26 February 1858, 247.

308. Canning to Jackson, 11 October 1856, Canning Papers. Canning's worry was not baseless. Before Muharram 35 guns were discovered in Machhi Bhavan on a private information vide SCC to SFD, 16 September 1856, ISPr, 18 December 1857, 728.

The specific object of the conspirators could never be discovered. All agreed that the overthrow of the government was not aimed at; the object seemed to be plunder.³⁰⁹ However, even a partial success might have led to a flare up and then a leader would not be wanting to profit by it.³¹⁰ The conspirators also might have aimed to discredit the administration by demonstrating its unpopularity among the people.³¹¹ Energetic measures, including the arrest of the ring leaders and extensive police arrangement during Muharram and Chehlum, or the fortieth day of the martyrdom at Karbala, were adopted.³¹² As a result the projected rising never took place, in spite of rumours among the inhabitants of the city and a warning in the Urdu press that the sanguinary scenes of the Panjab would be re-enacted in Oudh.³¹³

The other incident of a political nature took place at Faizabad four months later in February 1857. A Muslim Faqir, Ahmadulla Shah, known in Faizabad as Sikandar Shah, preached a holy war against the British government in a Sarai in front of the largely attended gatherings of his followers.³¹⁴ He also called for revenge for the death of Maulvi Amir Ali a year earlier in the riots on the question of Hanumangarhi. When he ignored the call of the officers to surrender with his followers and to leave Faizabad unmolested,

309.JC to SCC, 14 November 1856, ISPr, 26 February 1858, 246.

310.SCC to SFD, 22 November 1856, ISPr, 26 February 1858, 245.

311.JC to SCC, 14 November 1856, ISPr, 26 February 1858, 246.

312.CR Lucknow to JC, 4 November 1856, ISPr, 26 February 1858, 247.

313.JC to SCC, 14 November 1856, ISPr, 26 February 1858, 246.

314.DC Faizabad to CR Faizabad, 17 February 1857, Rizvi and Bhargava, Freedom Struggle in Uttar Pradesh, i, 38; Memorandum of events preceding the Mutiny at Faizabad, ISPr, 28 May 1858, 419.

he was rushed by the sepoys of the regular army, and was injured in the struggle that followed.³¹⁵ Though he was put in prison he still commanded a large following including the jail doctor who fed him well from his own pocket.³¹⁶ The outbreak of the mutiny at Faizabad in June restored him to freedom and launched him in his career as one of the most dynamic leaders of the revolt. The Faizabad incident was one of the earliest rumbles of the storm that hit Oudh in the following June.

Sir Henry Lawrence, who assumed the administration of Oudh on 20 March 1857, found the condition and administration of Oudh in a deplorable state of neglect. The people of Oudh were discontented partly because of the blundering policies adopted by the local administration during the thirteen months of British rule. The capital was full of unreconciled loyalists, the impoverished nobility and starving servants of the late government who had not received their pensions. 'Hunger, poverty and discontent, with or without reason, in the City of Lucknow and among the Taluqdars are the incentives to intrigue.'³¹⁷ The numerous acquisitions of buildings, including religious ones, and the demolition of private houses in the city for its improvement were intensely disliked by the people.³¹⁸ A sensitive man, as Sir Henry was, could read anger in the peoples' eyes.³¹⁹ He had to suffer the mortification of seeing a clod being hurled at his own carriage while another hit the Ommaney's.³²⁰ Such a situation

315. Abstract of Proceedings, Rizvi and Bhargava, op.cit., 381-383.

316. Thurburn to Magistrate of Sasaram, 6 July 1858, Rizvi and Bhargava, op.cit., 384.

317. Lawrence to Canning, 10 May 1857, Canning Papers.

318. Lawrence to Canning, 18 April 1857, Canning Papers.

319. Lawrence to Bernard, 7 April 1857, Henry Lawrence Collection, 40C.

320. Lawrenct to Canning, 18 April 1857, Canning Papers.

at a time when the army was seething with mutinous spirit could only spell disaster.

The military arrangements in the province were the worst conceivable. The Irregular Force and the military police, composed of the soldiers of the late government, were unreliable. The infantry, cavalry and artillery were stationed several miles apart. The magazine was as unsafe as it could possibly be.³²¹ The regular army units were stationed together with the Irregulars though they had a different pay structure while performing similar work. It caused heart burning.³²²

Sir Henry Lawrence resolved to face his new tasks manfully in spite of the delicate state of his health though he was admonished by Canning not to over exert himself.³²³ The most urgent, though delicate, need was the restoration of the dignity of his office among his subordinates. But leadership and the capacity to invoke loyalty came naturally to him. Within two weeks he made the weight of his personality felt by those around him.³²⁴

Sir Henry was the best known among his contemporaries for his open sympathies for the Indians. None, not even a humble soldier, was too low for him to talk freely.³²⁵ He held open 'darbars' in the yard of his residence for different classes of people.³²⁶ He

321. Lawrence to Bernard, 7 April 1857, Henry Lawrence Collection 40C.

322. Lawrence to Canning, 18 April 1857, Canning Papers.

323. Canning to Lawrence, 15 March 1857, Canning Papers.

324. Lawrence to Bernard, 7 April 1857, Henry Lawrence Collection, 40C; Lawrence to Canning 18 April 1857, Canning Papers.

325. Lawrence to Canning, undated, Edwardes and Merivale, Life of Sir Henry Lawrence, 570.

326. Canning to Lawrence, 24 May 1857, Canning Papers.

was perceptive enough to realise that for the unsophisticated people of Oudh, used to a personal rule, one direct word of comfort and assurance was worth more than a dozen proclamations. He ordered the payment of pensions to be expedited.³²⁷ The demolition and acquisition of buildings was stopped. He proposed and urged immediate sanction for a large scale construction of roads to open up the country and to provide employment to the thousands of the starving men.³²⁸ He prevailed upon Gubbins to reduce the revenue assessment from 15 to 35 per cent wherever he found it to be high and made the latter promise a better deal to the Taluqdars. He thought them to have been unfairly dealt with.³²⁹ He noticed the confusion in the holdings of land in Oudh which was a source of much violent crime. He pressed, though unsuccessfully for a survey party to settle the boundaries, which he looked at as equal to two regiments for the maintenance of order.³³⁰

However, he was not destined to devote all his attention to the reorganisation of the administration of the province for long. In April the symptoms and manifestations of a disaffected spirit started to surface in Oudh. The sepoys of the 41st and 48th B.N.I. were restive.³³¹ The sepoys were found to be in touch with a noble, Ruknuddaula.³³² The Irregulars, particularly the 7th regiment, were very disaffected. Sir Henry wanted to have at least the two-thirds of the Irregulars to be composed of the Pathans, Sikhs and Pasis.³³³

327. Memorandum on Lawrence's administration, Edwardes and Merivale, op.cit. 567.

328. Lawrence to Canning, 18 April 1857, Canning Papers.

329. Lawrence to Canning, 18 April 1857, Canning Papers.

330. Ibid.; Canning to Lawrence, 27 April 1857, Canning Papers.

331. Ibid.

332. Carnegie to CR Lucknow, undated, Canning Papers.

333. Lawrence to Canning, 2 May 1857, Canning Papers.

Sir Henry planned extensive reforms in the armed forces of Oudh. On his own request he was vested with plenary military authority in the province and was promoted to the rank of Brigadier General in May to place him above all the military officers stationed there.³³⁴ During May and June he tried to carry out reforms, fortify and strengthen the defences of Machhi Bhavan and the Residency and to stem the tide of the mutinies. Specially after the events at Meerut and Delhi he provisioned military posts and made preparations with a view to the possibility of a prolonged siege.

From the day of his arrival he had tried to cultivate the good will of the Taluqdars.³³⁵ When the disaffection became general he tried to secure their services for the preservation of the tranquillity.³³⁶ He sent out personal letters to them and held out pecuniary and other rewards. Man Singh was offered a large reward if he could maintain order in Faizabad.³³⁷ He maintained a close touch with the officers and the local people in the districts. Being hard pressed for time he resorted to demi official correspondence and did away with the formalities of official letters.³³⁸

But the events and the factors giving rise to them, were too big even for a man of his calibre. In spite of the prompt action and

334. Lawrence to SFD, 16 May 1857, Rizvi and Bhargava; *op.cit.* ii, 4-5; Canning to Lawrence, 16 May 1857, FSC, 29 May 1857, 59; GG to CC, 19 May 1857, ISPr, 18 December 1857, 571.

335. Notes in Letter Book, Henry Lawrence Collection.

336. Memorandum of Henry Lawrence, 18 May 1857, Henry Lawrence Collection.

337. Lawrence to Man Singh, 16 June 1857, IPFPr, 30 December 1857, Supp., 895.

338. SCC to USFD, 3 January 1858, IPFPr, 12 February 1858, 130.

preventive measures the dreaded mutiny occurred on 30 May at Lucknow.³³⁹ In the course of the following fortnight mutinies occurred at one station after the other and the vestiges of British rule were obliterated everywhere in Oudh except at Lucknow and its neighbourhood. Sir Henry turned down the request of Canning to retire to Allahabad and decided to stick to his guns.³⁴⁰ He tried to raise 3,000 additional men for the military police and to keep as many soldiers firm in loyalty as he could.³⁴¹

In the meantime the mutineers had concentrated upon Lucknow and the noose around it tightened more every day. By 29 June the rebels reached Chinahat outside Lucknow. The next day Sir Henry committed the blunder of sallying forth and attacking them. This resulted in a disastrous defeat.³⁴² The jubilant rebels poured into the city. Finding it difficult to hold two separate posts, Sir Henry ordered the destruction of Machhi Bhavan. All its occupants withdrew to the Residency, which they settled down to defend.³⁴³ The memorable siege of Bailey's Guard had begun.

Though still undaunted, Sir Henry was not to last long. Two days later he was wounded and on 4 July he died.³⁴⁴ He nominated Major Banks, the Commissioner of Lucknow, to succeed him in supercession of Gubbins and Ommaney.³⁴⁵ Though it was an

339. Lawrence to Canning, 29 May 1857, Canning Papers.

340. Canning to Lawrence, 31 May 1857, and Lawrence to Canning 29 May 1857, Canning Papers.

341. Memorandum of Lawrence's administration, Edwardes and Merivale, op. lit., 587.

342. Inglis to SMD, 26 September 1857, Rizvi and Bhargava, op. cit. ii, 59-60.

343. Gubbins. M., An Account of the Mutinies in Oudh, 181-191.

344. G.H. Lawrence to his father, 11 July 1858, Edwardes and Merivale, op. cit., 613.

345. FC to Major Banks, 7 July 1857, ISPr, 30 July 1858, 57.

irregular action the abnormalities of the situation justified his decision to nominate a military officer to succeed him.

After 30 June 1857, the British rule ceased to exist in Oudh except within the narrow confines of the beleaguered Residency, or, later within the camp at Alambagh. The restoration of British authority was no longer a law and order problem. The province had become virtually an enemy territory and it was treated as such. It had to be conquered by the army before it could be reoccupied.

Thus the first essay in the administration of Oudh was not successful. Coverley Jackson and his warring colleagues blundered through eleven of the seventeen months after the annexation. With a strange combination of political myopia, administrative ineptness and haughty reserve, the administrators managed to make all the principal classes of the people of Oudh - the King and his nobility, the public functionaries of the late government, its soldiers and the territorial aristocracy - dissatisfied, embittered and even hostile to British rule. Even the common man had no cause to be very happy with the new police and judicial systems. Only with the arrival of Sir Henry Lawrence, was there a forward looking administration. But he came too late to do much good. By then the mischief had already been done. 'It was glory enough for Sir Henry, that with one weak British regiment at his command, he staved off the worst of the coming crash even to the end of that fatal June'.³⁴⁶ The greatest recognition of his work by his superiors, in the form of his nomination to succeed Lord Canning in case of an unforeseen eventuality, came too late to gratify him.³⁴⁷

346. Trotter as quoted in Edwardes and Merivale, *op.cit.*, 579.

347. Vernon Smith to Canning, 27 July 1857, Canning Papers; Resolution of the Secret Committee, 22 July 1857 and Commission by order of the Queen, 24 July 1857, Henry Lawrence Collection, 40B.

CHAPTER 3

The Reoccupation, Pacification and Restoration of Law and Order

1858-1859

British rule could not be reestablished in Oudh for about nine months after the siege of the Residency commenced. The only remaining symbols of British authority were the Residency until November 1857, and, after its relief, Outram's camp at Alambagh. After the recapture of Delhi and Kanpur, Lucknow became the centre of attention for the British government as well as for the Indian princes and people as a place which claimed to be ruled by a King of its own in defiance of British power. Sir Colin Campbell, The Commander-in-Chief, gathering all the available troops, and supported by the Gurkhas under Jang Bahadur himself, attacked and captured it after a fierce struggle lasting eleven days in March 1858. But in spite of its capture, the civil population of Oudh remained in a rebellious state till the end of the year. The reoccupation of the capital of the province initiated a period of pacification and reconciliation. The government's efforts in this direction and its steps for the restoration of law and order will be traced and analysed in the following pages.

The first and foremost problem after the reoccupation of Lucknow was its pacification. It would give direction to similar attempts in the interior. To maintain moderation and balance was difficult because of the excessive bitterness generated by the Revolt and the massacre of many Europeans in the city by the rebels. Lucknow was subjected to indiscriminate pillage and looting after its recapture.¹

1. Chamier to his father, 30 March 1858, Chamier Papers; Russell, as quoted in Edwardes, M., Battles of Indian Mutiny, 134.

In spite of the fact that the capture of Lucknow was technically its liberation from a rebel and unlawful government, and not the conquest of enemy territory, a prize agency was constituted to take possession of enemy property. Very strangely, Major Carnegie, the City Magistrate, was included in the agency notwithstanding the incompatibility of the duties of the two offices.² He, and a few other officers, indulged freely in the practice of purchasing government bonds and securities from the frightened inhabitants at throw away prices.³ A very large proportion of the residents of the city had already evacuated it to escape the horrors of the retribution of the army. They did not respond to Outram's proclamation directing them to return to their homes and callings within ten days.⁴ The tyranny of the prize agents and the hordes of informers whom they encouraged to obtain information of concealed wealth, added to ill treatment at the hand of the soldiers, kept them away for a long time.⁵ The prize agency continued to harrass the people for seven months till it was terminated in September on an urgent representation of the Chief Commissioner.⁶

Such a situation greatly delayed the pacification of the city. It must have caused great misgivings among the people of other towns about their fate. Robert Montgomery, who assumed office as Chief

2. SCC to SFD, 20 May 1858, IPFPr, 25 June 1858, 222; SCC to SFD, 28 August 1858, IPFPr, 29 October 1858, 320.
3. DSFD to CC, 26 October 1860, FPPr, October 1860, 433; Resolution, FD, 23 October 1861, FJPr, November 1861, 26.
4. SCC to CR Lucknow, 21 March 1858, ISPr, 28 May 1858, 430.
5. SCC to SFD, 4 September 1858, IPFPr, 24 September 1858, 112; An undated Memorandum, Hutchinson Collection; Montgomery to Canning, 5 April 1858, Canning Papers.
6. SCC to SFD, 4 September 1858, IPFPr, 24 September 1858, 112.

Commissioner on 3 April, found Lucknow in great confusion.⁷ He was able to construct a proper civil administration in the city only a month afterwards.⁸ The process of reconciliation and normalisation was further obstructed by large scale demolitions in the city for the erection of the fortified posts and the cutting of three wide roads through its densest parts to meet military requirements.⁹

Montgomery found on his arrival at Lucknow that he had control over only the city and the road connecting it with Kanpur. The rest of the province was in the rebels' hands. Worse still, he had no agency at his command to extend control beyond what the army occupied and protected. He could not influence the plans of the army whose attention was directed to suppressing the rebellion in Ruhelkhand and Bihar. Only a mobile column under General H. Grant was left at Lucknow for its protection and to check the rebels from becoming formidable at any place in Oudh. The column was not to move under normal circumstances more than ten miles from Lucknow.¹⁰ The mass of the rebels and mutineers, who had escaped from Lucknow and had dispersed through the province because of the anxiety of the Commander-in-Chief to minimise the loss of European soldiers, could be depended upon to be virulent in their hostility. The confiscation proclamation had naturally caused grave apprehensions in the minds of the landholders. Still, he, the chief of the province, could not be an idle spectator of the events taking place around him.

7. Montgomery to Canning, 5 April 1858, Canning Papers; SCC to SFD, 3 April 1858, FPC 16 April 1858, 176.
8. Memorandum of CC, SCC to CR Lucknow, 12 May 1858, FPC, 23 July 1858, 184-88.
9. Montgomery Report on the Administration of Oudh, IPFPr, 27 May 1859, 366A.
10. Hope Grant to Hutchinson, 23 April 1858, Hutchinson Collection.

Before coming to Lucknow, he had conversed with Canning at Allahabad.¹¹ He was resolved, as is clear from his correspondence, to follow Canning's clement and conciliatory policy. But in the absence of any force to carry out his orders, he could depend only upon his powers of persuasion and reconciliation to gain the support of influential people, which in Oudh meant the landholders, and through them to extend control over the common people. Under the circumstances this was the only way in which he could restore some semblance of order in the interior.

He despatched civil officers with every military column that moved out of Lucknow after its reoccupation. He instructed them and other district officers in May to call the landholders of their regions and to settle the revenue with them for three years. In return they were to cooperate with the government in the establishment of order by setting up tahsil and police posts and by protecting the country. Such posts were to be regularly visited by European officers to keep up the morale of the landholders and to ensure their proper functioning.¹²

This policy apparently succeeded in the early stages. Montgomery was able to report by 20 April that twenty six principal Taluqdars had already submitted.¹³ A month later, Major Barrow, an officer specially appointed to deal with the landholders, asserted that most of the Taluqdars had either submitted or were wavering.¹⁴

11. Canning to Montgomery, telegram, 30 March 1858, ISPr, 30 April 1858, 280.

12. SCC to SFD, 22 May 1858, ISPr, 25 June 1858, 52; Rules for the guidance of the Deputy Commissioners, FPC, 13 August 1858, 217.

13. Montgomery to Canning, 20 April 1858, Canning Papers.

14. Memorandum of Barrow, 22 May 1858, Canning Papers.

The settlement of about 6,000 villages was completed by that time.¹⁵
 The response from western and south-eastern Oudh was so good that Montgomery sent Colonel Clarke, a Commissioner, to Dharampur and Forbes, a Deputy Commissioner, to Dehra near Sultanpur to work upon and conciliate the local landholders. They went without any army cover and had to depend upon the friendly landholders for their safety.¹⁶

However, the picture presented by Montgomery was over-optimistic. The initial success was attained because of the comparative inactivity of the rebels who had been dazed and paralysed by the loss of Lucknow. As they gained time to reorganise, and as their number was augmented by those driven out from Ruhelkhand and Bundelkhand, the situation rapidly worsened. Clarke, finding his position untenable, retired across the Ganga, and Lucknow itself was threatened by a large concentration of rebels. 'Throughout the country of Oudh', Montgomery conceded on 5 June, 'the rebels are complete masters'.¹⁷

Actually Montgomery moved much faster than means at his disposal permitted. He accused the army of a lack of vigour in Oudh and received a sharp rebuff from the Commander-in-Chief in return.¹⁸ Canning, too, blamed him for 'expecting more from the Europeans than white flesh and blood can bear'.¹⁹ He failed to realise that

15. Montgomery to Canning, 19 June 1858, Canning Papers.

16. SCC to SFD, 22 May 1858, ISPr, 25 May 1858, 52; SCC to SFD, 8 September 1858, IPFPr, 1 October 1858, 139.

17. *Ibid.*; SCC to SFD, 5 June 1858, ISPr, 30 July 1858, 63.

18. Chief of Staff to SFD, 19 June 1858 and 20 June 1858, ISPr, 30 July 1858, 76-77.

19. Canning to Montgomery, 20 July 1858, Canning Papers.

he could not get army support for his premature steps. For the army, Oudh was only one of many problems. It also had its own limitations, such as insufficiency of European and Indian soldiers. Moreover, he seemed to fail to appreciate that rebellion in Oudh was much more widespread than elsewhere. It could only be suppressed by larger means than he commanded. The movements of Generals Havelock, Frank, Grant, and Walpole had repeatedly demonstrated the fact that a column could easily cut its way through Oudh but the rebels would rise again in its wake and would at once restore the status quo ante. Until he had the agency to hold the country in the form of a militia or military police, nothing tangible could be gained by a military campaign.²⁰

The despatch of the civil officers to the interior of the province, depending for their safety solely on the goodwill and armed strength of a few loyal landholders was a hasty and injudicious decision. Such was a very fragile base, indeed, for any administrative structure. Their presence in the interior would scarcely have modified the situation, while their being forced to retire to safety in face of the rebels would have had a very adverse effect upon the morale of the loyal element in the neighbourhood, as it in fact did have when Clarke had to seek safety beyond the Ganga.

The situation in Oudh took a turn for the better with Grant's defeat at Nawabganj of a large rebel force which had threatened Lucknow. His reoccupation of Dariyabad, Faizabad and Sultanpur in July and August put large areas in eastern Oudh under the British control.²¹

20. Chief of Staff to SFD, 19 June 1858, ISPr, 30 July 1858, 63.

21. SCC to SFD, 8 September 1858, IPFPr, 10 October 1858, 139.

The position there improved so much that by the end of August Montgomery was able to order the resumption of the ordinary business of government there.²²

However, in October less than a quarter of the province was under British control.²³ The rebels controlled and collected revenue in the rest. They kept up their attacks on the police posts.²⁴ Digvijai Singh of Umaria was audacious enough to raid up to the vicinity of Lucknow.²⁵

Two factors facilitated the restoration of British rule in Oudh during the last two months of 1858. The first was the four-pronged campaign of a formidable army under the personal command of Colin Campbell. His plan of pushing all the rebels toward the Nepal frontier and then forcing them either to surrender or to retire into the inhospitable forests of Nepal eminently succeeded. The last rebel group vacated the soil of Oudh on the last day of 1858, thus enabling Montgomery to proudly announce to Canning the establishment of a profound peace in the districts. He at once cancelled all the emergency powers and arrangements and ordered the resumption of the regular system of administration in the province.²⁶

22. Montgomery to Canning, 6 August 1858, Canning Papers; SCC to SFD, 7 August 1858, ISPr, 27 August 1858, 37; SCC to SFD, 8 September, 1858, ISPr, 1 October 1858, 139.

23. Kavanagh, T.H., How I Won my Victoria Cross, 194-95.

24. SCC to SFD, 18 September 1858, IPFPr, 8 October, 1858, 196.

25. SCC to SFD, 9 October 1858, IPFPr, 22 October 1858, 267.

26. Montgomery to Canning, 9 January 1859, Canning Papers; SCC to SFD, 3 January 1859, FPr, 21 January 1859, 271; SCC to SFD, 5 January 1859, IPFPr, 21 January 1859, 277.

The other factor which accelerated the subjugation of Oudh was the Royal Proclamation issued on 1 November. It offered amnesty to all rebels and mutineers except those guilty of murdering British subjects.²⁷ This enabled most of the insurgents to submit with honour and security for life and property.

The most striking feature of the policies followed towards the pacification of Oudh was the note of conciliation running through them. The rebels of the province were considered as a class different from those of the other provinces. The fact of Oudh having been under British administration for less than one and a half years before the commencement of the revolt was taken into consideration. During such a short time the people of Oudh could not have been expected to develop loyalty for the new government. Therefore the annexation and reoccupation of the province were regarded as part of the same process. Such a consideration enabled the authorities to treat the rebels of Oudh as conquered enemies.²⁸ On this principle, it became possible to treat them with leniency and to conciliate such persistent and stubborn rebels as the Taluqdars of Oudh. Otherwise many of them would have fallen under the category of 'leaders or instigators' of the revolt and would not have been entitled to full pardon under the Royal Proclamation.

The widespread character of the rebellion in Oudh was made unique by the extensive participation of the Taluqdars in it and their

27. The Queen's Proclamation, Rizvi and Bhargava, Freedom Struggle in Uttar Pradesh, ii, 527.

28. JC to all CRs, 12 May 1858, 31 December 1858, 2486; Memorandum of JC, IPFPr, 12 August 1859, 144; Montgomery Report on Administration, 298, IPFPr, 27 May 1859, 366A.

conciliation was the largest single factor in the rapid normalisation of the province. The process of their alienation had commenced with the extension of the Thomasonian principles of land revenue administration to Oudh, which led to the loss of much of their estates.²⁹ Henry Lawrence by his considerate treatment was able to conciliate them to a large extent. He was even able to secure their cooperation in procuring intelligence and supplies when the disturbances commenced.

After the establishment of the rebel government at Lucknow, orders were sent out to the Taluqdars to actively cooperate with it and support it with all the resources at their command. But most of them, anticipating an early restoration of the British authority remained sitting on the fence, and paid only lip service to the rebels. Man Singh even had gone out of the way to send a circular letter to other Taluqdars exhorting them to remain firm in their loyalty to the British.³⁰ But the failure of Havelock to relieve the Residency twice in August led them to support the rebel court at Lucknow and most of them, including Man Singh, went to Lucknow with their retainers. They had in the meantime re-established their hold over the villages of their estates which they had lost in the summary settlement.³¹ Their active participation made the revolt so well established by September that all the proclamations issued by Outram promising them and the people lenient treatment on submission did not evoke any response.

29. See Chapter 2, supra.

30. Man Singh to Taluqdars, 20 July 1857, Innes, Lucknow and Oudh in the Mutiny, 334-339; Yule to Canning, 9 July 1861, Canning Papers.

31. Montgomery Report on Administration, 343, IPFPr, 27 May 1859, 366A.

None came forward to submit nor was he able to procure a pound of supplies to replenish the rapidly depleting pantry of the Residency.³²

Very early after the outbreak at Lucknow, some officers had started to realise the necessity of a change in policy towards the Taluqdars in order to enlist their support. The first officer to put forward the idea was St. George Tucker, the Commissioner of Benares. He advocated that the village settlements be cancelled in favour of a Taluqdari settlement to help Lawrence control Oudh.³³ Two months later, J. P. Grant, the newly appointed Lieutenant Governor of the Central Provinces, favoured the same course to stem the tide of the rebellion.³⁴ Canning was, however, not prepared to make such a departure from a well established policy, though he was willing to modify the settlement in the case of those persons who helped the government.³⁵ Perhaps he did not regard the situation in Oudh as desperate enough.

Soon after, however, the full gravity of the situation was realised. Outram, when he was cooped up in the camp at Alambagh, pondered over the situation. His keen soldierly instincts shrank from the slow reduction of Oudh, fort by fort and estate by estate, in face of a tough guerrilla resistance, which, he was sure, the people of Oudh would offer. In his typically blunt and forthright manner, he

32. Proclamations accompanying Couper to Edmonstone, 28 September 1857, Outram Papers, 77.

33. CR Benaras to GG, 12 July 1857, FSC, 18 December 1857, 673.

34. Grant to GG, telegram, 9 September 1857, ISPr, 30 October 1857, 134.

35. GG to CC, telegram, 27 September 1857, ISPr, 18 December 1857, 614.

advocated a return to the Taluqdari settlement, because he was fully convinced that the village proprietors had 'not the influence or weight enough to aid' the government while the Taluqdars possessed 'both power and influence to exercise either for or against' it.³⁶ Canning still remained unconvinced about the need of any fundamental change in Oudh land policy.³⁷ Old policies, like habits, die hard. In this he might have been influenced by his chief advisor at the time, G. F. Edmonstone, a Thomasonian belonging to the North-Western Provinces cadre of civilians and a great admirer of Dalhousie who had brought him in to head the foreign department secretariat at Calcutta.

A sharp difference of opinion over the treatment of Taluqdars embittered the correspondence between Canning and Outram in March 1858. The former directed the latter to issue a proclamation just after the recapture of Lucknow through which the soil would be confiscated, except that belonging to six individuals, noted for the singular service to the British cause.³⁸ Outram vehemently protested against the policy implied in it. He apprehended that a 'desperate and prolonged resistance' on the part of the Taluqdars would follow the proclamation. He emphasised the necessity of treating them as honourable enemies.³⁹ Canning turned his recommendation down and agreed only to the addition of a paragraph in the proclamation promising indulgent treatment to those who

36. Memorandum of CC, IPFPr, 5 November 1858, 192.

37. GG to Outram, 29 March 1858, Canning Papers; SFD to CC, 31 March 1858, ISPr, 30 April 1858, 120.

38. Oudh Proclamation, 14 March 1858, Maclagan, M., Clemency Canning, 183-85.

39. SCC to SFD, 8 March 1858, Maclagan, M., Clemency Canning, 330-331.

would promptly submit and support the government. To act otherwise, he considered, would be 'to treat the rebels not only as honourable enemies but as enemies who had won the day'.⁴⁰ He wanted, however, the proclamation to be interpreted liberally and sent his Military Secretary to Lucknow to explain his views to Sir James. He expressed similar sentiments to Montgomery at a meeting on 1 April at Allahabad.⁴¹

It is difficult to state the precise aims which Canning wanted to achieve by the proclamation. It turned out to be the most controversial and widely criticised measure of his eventful regime. The correspondence of March 1858 makes it amply clear that he wanted to punish the landed gentry of Oudh and that the confiscation was 'no more than a just' penalty for rebellion.⁴² He certainly gave no indication during that month, as he claimed later, that the aim of the proclamation was to confiscate the rights in the soil so as to remove all the obstacles created by the summary settlement of 1856-57 in the way of reverting to the Taluqdari settlement. Perhaps this explanation was an afterthought. In February and March he might have anticipated a much smoother reoccupation of Oudh, as was the case with other rebellious parts of northern India, than actually took place. Under such an impression and on the advice of his closest advisors, Edmonstone and L. B. Bowring, he decided to take a different stand than Outram's, though the latter had a much more intimate knowledge of Oudh than anyone else among his advisors.⁴³ Up to the last day

40. SFD to CC, 31 March 1858, Maclagan, op.cit., 332-34.

41. Despatch to Secret Committee, 38-40, 26 $\frac{1}{2}$, 17 June 1858

42. SFD to CC, 31 March 1858, Maclagan, op.cit., 332-34.

43. Journal of L. B. Bowring, 129.

of March he was not prepared to treat the Taluqdars differently than any other class of rebels.⁴⁴ Even the authorities at London were taken completely aback by the use to which the proclamation was later put and which seemed to be so contrary to the original intention of Canning.⁴⁵

Instead of cowing down the Taluqdars, the proclamation had the contrary effect. It increased their desperation, as was anticipated by Outram, John Lawrence, W.H. Russell and a host of others.⁴⁶ They were joined by the mutineers who had escaped from Lucknow and seemed to settle down to a long guerrilla struggle. They did not meet any opposition to their activities in the countryside as the army could not devote any further attention to Oudh because of its preoccupation elsewhere. The Taluqdars seemed to have ample opportunity to organise and consolidate their position without any effective check on themselves.

The policy towards the Taluqdars however rapidly changed in April and the following months. Montgomery found that he was, practically, the Chief Commissioner of Lucknow rather than of Oudh, and that he was to continue to be so until the army had had time to conquer the province for him. It did not take him long to realise that the only hope of an early reoccupation of the province lay in inducing the influential Taluqdars to give up the rebel cause. If he could win them over he could control the people through them.

44. SFD to CC, 31 March 1858, Maclagan, op.cit., 332-34.

45. Wood to Elgin, 27 December 1863, Elgin Collection; Wood to Canning, 18 January 1860, Wood Collection.

46. Maclagan, op.cit., Chapter 8.

In this view he must have been confirmed by the advice of the old Oudh officers like Major Barrow and by his farewell talks with Outram.

One of the earliest measures of Montgomery was to appoint Major Barrow as Special Commissioner of Revenue and made him his chief instrument for dealing with the Taluqdars.⁴⁷ Giving up the more formal mode of disseminating the views of the government through proclamations - a favourite practice of Outram - he relied on personal contacts. The Taluqdars of the neighbouring areas were called to Lucknow for talks. Copies of the proclamation with a covering letter from the Chief Commissioner were sent to all the important landholders of Oudh.⁴⁸ The letter, though purporting to explain the views of the government, in fact neutralised its threatening aspects; it implied as Russell would put it, 'Don't mind the Governor General his bark is worse than his bite'.⁴⁹

Perhaps Russell was right after all. Canning was quite uneasy at the turn that events had taken in Oudh. The Commander-in-Chief had informed him that the resistance in Oudh was becoming more organised. At this he almost desperately wrote to Montgomery:

47. SCC to SFD, 22 May 1858, ISPr, 25 June 1858, 52. It is noteworthy that Barrow and Wingfield, who were the greatest advocates of the new policy towards the Taluqdars among the members of the first Oudh Commission, owed their life and escape to the protection of the powerful Taluqdars of Kalakankar and Balrampur respectively after the outbreak of disturbances in June 1857.

48. Ibid., Montgomery to Canning, 20 April 1858, Canning Papers.

49. Quoted in Mecalf, T.R., The Aftermath of Revolt, 140-142.

'It would be everything if we could secure to the side of the government anyone of the chiefs of influence and to give to the rest the practical proof that they will be liberally treated'.⁵⁰

When Montgomery expressed optimism about the anticipated response from them, he offered to rush to Lucknow to receive the important chiefs into submission in person.⁵¹ Such a gesture, coming from the head of the Supreme Government towards the proclaimed rebels, was, to put it mildly, very unusual, specially coming barely a month after the confiscation proclamation and within a fortnight of the categorical rejection of the urgent protests of Outram. Major Barrow was not slow in taking his cue from the anxiety of Canning and soon afterwards wrote to all the Taluqdars: 'Every crime is now within the pale of forgiveness, save the crime of murdering Europeans.'⁵² Montgomery and Barrow implemented the policy advocated by Outram and anticipated the Royal Proclamation at least by five months. They even climbed down from the earlier insistence in April that landholders must make their submission personally at Lucknow, because it was soon realised that they could not protect the loyal Taluqdars from the reprisals of the insurgents. Therefore only a passive loyalty was demanded from them.⁵³

Once it was decided to detach the Taluqdars from the rebels even at the cost of forgiving their rebellious activities, it was but a short step to ignore the summary settlement of 1856-57, which had

50. Canning to Montgomery, 18 April 1858, Canning Papers.

51. Canning to Montgomery, 12 April 1858, Canning Papers.

52. Barrow to Taluqdars, 17 May 1858, Canning Papers.

53. Memorandum of Barrow, 22 May 1858, Canning Papers;
Memorandum of CC enclosed with SCC to SFD, 12 June 1858,
ISPr, 30 July 1858, 70.

already been annulled by the confiscation proclamation, and to restore to the Taluqdars the estates held at the annexation. Nothing short of this would induce them to cooperate with the administration. In the absence of revenue records, most of which were destroyed during the revolt, and as even a superficial enquiry was precluded by the rebellious state of the province, they were simply allowed to make out the lists of the villages that they claimed to have constituted their estates, conditional upon future verification. Some verification was made later and any injustice discovered was corrected. But such cases were rare.⁵⁴ Many of the Taluqdars got away with properties over which their titles were, at best, obscure and contestable. This in due course caused no small embarrassment to the government whose faith had become pledged.⁵⁵

Nothing illustrates the evolution of policy towards the Taluqdars of Oudh better than the career of Man Singh. He was regarded at the time of annexation as one of the most notorious and rapacious Taluqdars who had built up a huge estate by force and fraud.⁵⁶ After the annexation he defaulted in his revenue payments and absconded once to evade arrest. At the summary settlement he lost all but six villages that formed his estate. Just before the mutiny at Faizabad he was released from detention and saved the lives of the Europeans of the station. Later on he participated actively in support of the rebels at Lucknow. But he was instrumental

54. Barrow to SCC, 24 June 1859, ISPr, 30 December 1859, 497.

55. Campbell, G., Memoirs of My Indian Career, ii, 18.

56. Reeves, P.D., Sleeman in Oudh, 85, 89, 91-92 and 98.

in saving the lives of two European ladies and a child there.⁵⁷
 In February 1858 he was offered only a guarantee of life and honour and the promise of an 'impartial although strict investigation' of his conduct as a condition for an immediate submission.⁵⁸ By the end of March he was offered his estate as held at the time of the outbreak with a promise to investigate his claims to the villages he had lost in the summary settlement.⁵⁹ In May, Montgomery asked him to state to Forbes the particulars of his estate, presumably as it was before the annexation, and also any other wish that he would like to communicate. Besides the promise of a settlement on good terms, the offer of further rewards was held out to him.⁶⁰ Eventually a jagir worth 20,000 rupees and the confiscated estate of the Raja of Gonda, assessed at 94,365 rupees, was given to him for his valuable help in the pacification of eastern Oudh.⁶¹ Ignoring his rebellious activities, Canning conferred on him the lofty title of Maharaja Bahadur in an open darbar on 26 October 1859.⁶² Finally, John Lawrence 'dared' not show his face in Lucknow in 1867 until he carried a 'Star' for him, which he was able to do in November.⁶³ The award of a knighthood rounded off the eventful career of an amazing man who was so much the product of his times.

57. SCC to SFD, 13 December 1858, IPFPr, 30 December 1859, Supp. 892.

58. SFD to CC, 16 February 1858, ISPr, 26, March 1858, 136.

59. SFD to CC, 28 March 1858, ISPr, 28 May 1858, 394.

60. SFD to Man Singh, undated in reply to his letter, 15 May 1858, ISPr, 25 June 1858, 57.

61. List of rewards, IPFPr, 30 December 1859, Supp. 911.

62. USFD to CC, 31 October 1859, IPFPr, 30 December 1859, 912.

63. John Lawrence to Northcote, 23 May 1867, Iddesleigh Papers, 50023; Gazette of India Extraordinary, 13 November 1867, Iddesleigh Papers, 50024.

This abrupt reversal of the policy towards the Taluqdars following so closely after the confiscation proclamation was brought about more by the exigencies of the local situation than by any theoretical considerations. In the hurry and confusion of the steps to suppress a very widespread rebellion there was no time for such considerations either at Lucknow or in Canning's camp at Allahabad. Montgomery, if anything, must have started with a prejudice against the aristocracy, after spending many years in working out the Panjab system. But from the commencement of his term at Lucknow, he unlearnt the Panjab lessons, and became, along with his successor, Wingfield, the architect of the Oudh Policy. He was known as the least doctrinaire among the administrators and could respond to political and military compulsions with great facility. The new policy was shaped by him primarily to meet such requirements.

Once the new policy proved to be a great success in Oudh, it was easy to build theoretical foundations beneath it. In fact there had been two schools among Anglo-Indian administrators since the days of the controversy between Shore and Grant. One favoured settlements with the ryots and small landholders while the other favoured the landed aristocracies. So a doctrinaire justification for the reinstatement of the Taluqdars was not far to seek; it was already there ready made. Therefore it developed quickly, and with comparatively little debate, after its inception as a fully fledged aristocratic or 'conservative reaction',⁶⁴ in spite of its halting origin as an expedient to meet the strictly local political and military requirements in Oudh in 1858.

64. Metcalf, The Aftermath of Revolt, 327.

Repeated attempts were made to justify the new settlement on moral grounds. The apologists of the new policy emphasised the supposed ingratitude of the village proprietors. They had lost after the outbreak without any resistance all that they had gained at the expense of the Taluqdars in the summary settlement of 1856-57. They made no attempt to help their benefactor, the government, in the hour of its need. Canning and Montgomery held it as an admission on their part of the fact that their own rights were subordinate to those of the Taluqdars.⁶⁵ But the fact was that they simply could not have adopted any other course. With their forts, guns, armed retainers, resources and influence, the Taluqdars were in a position which could not be successfully challenged by the isolated, and often mutually hostile, village proprietors. They could only look to the government for the protection of their rights; but unfortunately for them, it ceased to exist in the province from June 1857 onwards. The Commissioner of Bahraich had found in that month that the village proprietors were either trying to propitiate the Taluqdars or were preparing for flight.⁶⁶ This could not be regarded as the voluntary surrender of their rights, nor could it be assumed that they did not value them. In fact throughout 1859 and even 1860 the village proprietors continued to hope for the restoration of their rights. They regarded the new settlement as a mere temporary expedient for tiding over the difficult situation. Wingfield had to repeatedly urge his subordinates to dispel such hopes as plainly as possible.⁶⁷ Such hopes on the part of the village proprietors were a complete contradiction of Canning's assertion that they were unmindful of their rights or they did not value them, and that they themselves regarded the Taluqdars as the rightful owners of the soil.

65. SFD to CC, 6 October, 1858, IPFPr, 5 November 1858, 193; Despatch to the secret Committee, 27-28, 26½, 17 June 1858; Montgomery Report on administration, IPFPr, 27 May 1859,

66. Letter from Wingfield, June 1857, quoted in Irwin, H. C: Garden of India, ii, 162.

67. Wingfield quoted in Irwin, op.cit. ii, 176; SCC to CR Baiswara, 22 August 1860 Board of Revenue Records, 2057, 1860, UP. State Archives.

The initiative in the formulation and execution of the new policy came from Montgomery and Barrow. Of course Outram had been advocating the change for about three months and he must have exerted his great weight in favour of the new policy. Montgomery and Barrow were the persons who had been on the spot and who understood the peculiar problems of widespread rebellion in Oudh. They had to persuade Canning and other supporters of the summary settlement of 1856 to abandon it. Among the local officers, Montgomery was wholeheartedly supported by Major Bruce, the Chief of the Military Police.⁶⁸ He too was aware of the power of the Taluqdars and the need of enlisting their support.

But the new policy was disliked by many of the local officers. Campbell did not approve of the radical change in favour of the Taluqdars.⁶⁹ He considered that his opposition to the new policy barred his promotion to the Chief Commissionership.⁷⁰ Other officers were sharply divided over the issue. Montgomery thought that about three-fourths of the members of the Commission were opposed to it. He was loath to leave the system at their mercy by allowing the rights of the Taluqdars to come before them for adjudication.⁷¹ The authorities in London did not like the manner in which the change in policy was brought about and implemented.⁷²

The opposition to the restoration of the Taluqdars was understandable.

68. Bruce to Hutchinson, 6 January 1859, George Hutchinson Collection.

69. Campbell, op. lit. ii, 8 and 18-21.

70. Ibid. 38-39.

71. Montgomery Report on Administration, 352, IPFPr, 27 May 1859, 366A; A note of Montgomery on a letter from JC, 7 February 1859, Board of Revenue, Oudh General, 1858-59, U.P. State Archives.

72. Canning to Wingfield, 22 May 1860, Canning Papers; Despatch from the SOS to the Government of India, 24 April 1860, 33.

It reversed the well established policy of excluding middlemen between the small proprietors and the government. Most of the officers in Oudh had been trained in the traditions of the Panjab and the North-Western Provinces. They would not relish its reversal. Moreover the fact that the new policy benefitted the most rebellious element of the province must have added a great deal to their dislike. The indiscriminate reinstatement of the Taluqdars, irrespective of their background before

- and after the annexation and without an enquiry into their titles to their estates, was criticised by Charles Wood and his India Council.⁷³ Wingfield's defence was based upon the impracticability of any enquiry under the circumstances as well as upon the fact that landed property before the annexation had been sanctioned by the sovereign of the time: his arguments lacked force.⁷⁴ He might well have emphasised that the change in the existing policy was dictated by political and military considerations - the need for the rapid subjugation and pacification of an extremely belligerent province.

Canning too, was a firm opponent of the change in the land policy of Oudh up to March 1858. Montgomery was, however, instrumental in convincing him of the wisdom of the new policy. Still Canning took quite some time to get over his aversion for the Taluqdars and was critical of them even in June when the change was already in hand.⁷⁵ Montgomery kept him well posted about the state of

73. Ibid.

74. Wingfield to Canning, 30 May 1860 and 6 June 1860, Canning Papers.

75. Despatch to the Secret Committee, 26 $\frac{1}{2}$, 17 June 1858.

Oudh and obtained his approval of every move. But after his letter to the Chief Commissioner of 31 March, emphatically ruling out Outram's objections against the confiscation proclamation, Canning did not lay down clearly and definitively the new policy regarding the Taluqdars till 6 October. During the intervening period of six months he had become such an outright champion of the Taluqdars, that the iniquitous Taluqdari system, steeped in usurpation, fraud and violence, as it was characterised in March, was strangely metamorphosed by the pressure of political and military needs, into the 'ancient, indigenous and cherished system of the country', by October.⁷⁶

The Royal Proclamation gave the Chief Commissioner a freer hand. It was interpreted most liberally in the case of the rebel Taluqdars.⁷⁷ Madho Singh of Amethi was allowed to bargain for terms and was offered the full restoration of his estate when a mighty army under the Commander-in-Chief himself was poised to strike almost at his door step. To many it looked like a surrender to, rather than by, him.⁷⁸ The most inveterate rebel among the Taluqdars, Rana Beni Madho, was also offered similar terms which he chose to spurn.⁷⁹

The immediate results of the decision to reinstate the Taluqdars were remarkable indeed. As they got wind of the change in the policy of the government, they submitted in increasing numbers.

76. SFD to CC, 31 March 1858, Rizvi and Bhargava, op.cit. ii, 336; SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

77. Barrow to Outram, 14 June 1859, Outram Papers, 6308-44-77.

78. Campbell, op.cit., ii, 18-19; SCC to SFD, 6 November 1858, IPFPr, 19 November 1858, 362.

79. Barrow to CC, 17 November 1858, IPFPr, 24 December 1858, 290.

Ultimately, very few either actuated by a sense of honour and loyalty to the crown of Oudh, as was the case with Beni Madho or by despair in view of their own excesses, like Ram Baksh of Daundiakhera, remained in revolt and were driven out of Oudh along with the rebel Court into Nepal. The restoration of estates to the Taluqdars was made conditional upon a pledge, given by signing an agreement or Kabuliyat, to aid the government in maintaining order. They were to establish police posts in their estates which were to be manned by their own retainers until the administration could make the regular police arrangements. They had to agree to surrender their arms and ammunition and to demolish their forts.⁸⁰ As a mark of the confidence of the government and to tide over temporary difficulties, many among them were entrusted with ordinary police functions during the final military campaign to subjugate Oudh.⁸¹ Of course they were often unable to perform their police duties well because of the presence of large gangs of desperate rebels.⁸² Still the fact of their being entrusted with such duties was important. It did not mean any real, even temporary, devolution of authority. Either the government did not wield it enough to devolve it upon others, or, in the areas where it had effective control, the authority still substantially remained vested in the hands of the British officers who constantly supervised and controlled the police posts.⁸³ However, the measure symbolised the new dispensation under which the Taluqdars were to become the keystone of the new arrangements in Oudh.

80. SCC to SFD, 8 September 1858, IPFPr, 1 October 1858, 139; Draft of a Kabuliyat, FPC, 1 October 1858, 142.

81. SCC to all CRs, 28 October 1858, FPC, 31 December 1858, 216-218.

82. SCC to SFD, 5 June 1858, ISPr, 30 July 1858, 63; SCC to SFD, 12 June 1858, ISPr, 30 July 1858, 70.

83. Rules for the guidance of DCs, undated, FPC, 13 August 1858, 216-17.

The Taluqdars rendered valuable aid to the government in the later half of 1858. They helped to hold the country when the rebels were being swept off by the army and military police. They guarded roads and ferries with their own men. Their influence and hold over the inhabitants of their own estates denied local support to the rebels. A province in such a state of widespread rebellion in May-June 1858, where almost every officer anticipated a fierce guerrilla resistance, was restored to tranquillity and order within seven months.

The terms of the settlement were so liberal and the restoration of estates was so complete after such a stubborn and persistent rebellion that most of the Taluqdars were ill at ease and suspected that the government would change its policy after order had been established. Many of them were apprehensive that they would be punished when they assembled for the Darbar in October 1859 at Lucknow.⁸⁴ The village proprietors felt certain that they would get back their villages at the regular settlement. Both Montgomery and Wingfield realised this situation and wanted to put the reinstatement of the Taluqdars beyond doubt. The local administration urged the Government to declare the new system of tenure irrevocable and final.⁸⁵ Wingfield was determined to confer absolute rights in land, to the exclusion of all others, upon the Taluqdars. He further wanted to secure them against any possibility of modification in future by any Viceroy or Chief Commissioner who might not be so well disposed towards them.

84. Many Taluqdars expected to be blown up by guns. Vide Journal of L.B. Bowring, 136-137; Memorandum of Bruce, 29 November 1861, Bruce Papers, 44009; Canning to Wood, 12 November 1859, Wood Collection.

85. SCC to SFD, 4 June 1859, IPFPr, 30 December 1859, Supp. 493.

Therefore he vehemently opposed the wish of the Supreme Government to reserve the right to adopt any measure for protecting the inferior interests in land.⁸⁶ Canning, though relenting to an extent, insisted on enjoining upon the Taluqdars that they should uphold subordinate rights.⁸⁷ He put a seal of finality upon the reinstatement of Taluqdari tenure and formally inaugurated a new era in Oudh, by distributing sanads to 117 principal Taluqdars and addressing them in an open darbar on 26 October 1859.⁸⁸

As a result of the new policy the vast majority of the Taluqdars got back their estates. Estates assessed at 946,833 rupees, or only nine per cent of the whole, were confiscated for their owners' activities during the Revolt. The rest were restored to the old aristocracy. 22,658 villages, paying 6,193,559 rupees in revenue were settled with them as against 13,640 villages, paying 3,506,579 rupees, that formed their estates after the summary settlement of 1856-57.⁸⁹ The number of Taluqdars in 1859 was above 690.⁹⁰

These figures reveal that the Taluqdars as a class emerged the better for their participation in the rebellion. Rarely had a class of rebels been rewarded to such an extent. It was, indeed, ironical that having started with the avowed intention of curbing the power and influence of the landed aristocracy of Oudh, the Government was compelled by the political necessity of securing a potent class in

86. Ibid.; SFD to CC, 10 October 1859, IPFPr, 30 December 1859, Supp., 493; CC to SFD 15 October 1859, FRPr, March 1862, 28.

87. SFD to CC, 19 October 1859, FRPr, March 1862, 25.

88. Notification, FD, 26 October 1859, IPFPr, 4 November 1859, 155.

89. Statement of summary settlement, 1858-59, Board of Revenue, Oudh General, 1858-59, 305, U.P. State Archives; Barrow to SCC, 24 June 1859, IPFPr, 30 December 1859, 497.

90. Montgomery Report on Administration, IPFPr, 27 May 1859, 366A.

the province with a vested interest in the perpetuation of British rule to end up as its staunch supporter and protector within a short period of three years.

A logical outcome of the new policy was the directive of the Chief Commissioner to all officers to treat all the Taluqdars, irrespective of their role during the rebellion, with consideration and courtesy. They were not to be imprisoned for revenue defaults. When calling on officers, they were to be admitted without being kept waiting for a long time. In fact frequent personal intercourse was enjoined upon all officers.⁹¹ Canning went a step further by directing that the prospects of the Oudh officers should be impeded if they chose to ignore these directives.⁹² The policy of appeasing the aristocracy was extended to another field. While all persons were required to answer personally the charges brought against them, officers were instructed not to summon the Taluqdars into a public court to answer petty charges. Montgomery thought that a major cause of their dissatisfaction with the British system was 'that principle of equality' which permitted the meanest to give offence to the dignity of the aristocracy by summoning a Taluqdar before the courts.⁹³ Such an order, though it had precedents in other parts of India, compromised the basic principle of British jurisprudence - equality before the law.

The remarkable success of the policy towards the aristocracy in Oudh brought about a significant change in British policy and in British

91. SCC to all CRs, 16 November 1858, FPC, 20 May 1859, 284.

92. USFD to CC, 18 May 1859, FPC, 20 May 1859, 285.

93. SCC to all CRs, 30 December 1858, PFPr, 21 January 1859, 493.

attitudes towards similar classes in other provinces. The government saw the advantage of having an aristocracy beholden to it for its position and privileges. Through them the mass of the rural population could be kept steadfast in loyalty and order. The government lost much of its egalitarian enthusiasm of the pre-Mutiny period. Charles Wood declared in 1862: 'The dead level of nothing between our officers and the people is an unnatural state of society.'⁹⁴ But the new policy could be fully implemented only in Oudh where the confiscation proclamation provided the administration with a tabula rasa for new concepts of proprietary rights. In other provinces its implementation was naturally limited by existing tenures.

The government also tried to conciliate the population of Oudh in general. The mutineers had kinsmen in almost every village whose sympathies were naturally with them. The people, moreover, followed the lead of the Taluqdars who, as the proprietors of land, had a great hold over them. It was difficult to go against their wishes because of their great strength which was beyond the power of ordinary men to resist.⁹⁵ Among the Hindus, the higher castes - the Brahmans and Rajputs - were the most hostile to the government. Most of the mutineers belonged to those castes. The levelling process of British rule had affected their domination over, and oppression of, the other castes. However, in the opinion of the Chief Commissioner, they felt that they had been fairly beaten after the suppression of the revolt.⁹⁶

94. Wood to Frere, 1 August 1862, Wood Papers.

95. SFD to CC, 26 July 1858, IPFPr, 20 August 1858, 228.

96. AAR, 1858-59, IPFPr, 5 August 1859, 292.

The lower castes devoted to agriculture had not taken much active part in the revolt. They did not neglect their agricultural operations even during the worst periods of conflict and anarchy. British officers were surprised to find the Oudh landscape dotted with rich and luxuriant crops during such periods.⁹⁷ The lower castes had traditionally been apathetic to political upheavals. Moreover, it was as much in the interest of the rebels, as of the government, to protect them and their crops to ensure the collection of the revenue.

The Muslims of Oudh were the most disaffected class in the population.⁹⁸ The establishment of British rule had deprived them of the distinction of belonging to the dominant community. They also lost the avenues of employment which were open to them in the King's regime. This hit them specially hard since a majority of them were urban people and a substantial number of them had naturally depended on state employment and patronage.⁹⁹ In frustration and disappointment at the suppression of the revolt many Muslims declined employment in the police immediately after the reoccupation.¹⁰⁰

Canning had made no mention of the common people of Oudh other than the Talqudars and their followers in the Oudh Proclamation.¹⁰¹ But Montgomery was keenly aware that it was 'particularly desirable to work with the people' and to carry them

97. SCC to SFD, 14 August 1858, ISPr, 22 August 1858, 40; Barrow to SCC, 17 November 1858, IPFPr, 24 December 1858, 290; Campbell, op.cit., ii, 29, 32 and 33.

98. Chamier to his father, 13 May 1859, Chamier Papers, 7501-31; SCC to JC, 10 May 1858, IPFPr, 20 August 1858, 219.

99. Williams, Oudh Census Report, 1869, 115, 129 and 472.

100. Memorandum of Thurburn, 24 September 1858, IPFPr, 12 November 1858, 156.

101. Oudh Proclamation, Rizvi and Bhargava, op.cit., ii, 328-30.

with the administration and had instructed the officers to treat them with consideration.¹⁰² Campbell asked his subordinates to spare their life and honour, as was done in case of the Taluqdars, if they submitted and if they were not guilty of atrocious crimes.¹⁰³ The Royal Amnesty was, of course, fully applied to them and, after the autumn campaign, the population settled down rapidly to peaceful pursuits. Minor leaders of the rebellion who flocked at Lucknow after the campaign were ignored with a view not to arouse apprehensions.¹⁰⁴ Campbell was struck by 'the extreme quietness of the country' when he leisurely toured through it early in 1859.¹⁰⁵

The mutineers formed a very important element in Oudh. At least 50,000 sepoy of the Bengal Army, besides several thousands serving in the armies of the other presidencies and the armed contingents in the princely states, had their homes in Oudh. In addition to them, a large number of the mutineers had gone to Oudh after being driven from Delhi, Bundelkhand, the Doab, Ruhelkhand and other places. The impossibility of punishing them all and the prospect of forcing them to a desperate resistance by insisting on doing so had led Outram in January 1858 to advocate guaranteeing the life of everyone who had not directly participated in the massacre of Europeans.¹⁰⁶ Sir Colin Cambell, too, privately agreed with him.¹⁰⁷ Canning, however, insisted on

102. Minute of CC, SCC to CR Lucknow, 12, May 1858, FPC, 23 July 1858, 184-88.

103. JC to all CRs, 12 May 1858, IPFPr, 12 August 1858, 145.

104. Montgomery to Canning, 11 January 1959, Canning Papers.

105. Campbell, op.cit., ii, 29-30.

106. SCC to SFD, 18 January 1858, ISPr, 29 January 1858, 361.

107. Mansfield to Outram, 30 January 1858. Outram Papers, 6308-44-70.

punishing them for the mutiny.¹⁰⁸ Montgomery and George Campbell also were determined to show no mercy to them.¹⁰⁹ The latter, especially, hoped to punish by transportation twenty to fifty thousand of them.¹¹⁰ Captain Thurburn was appointed in May 1858 as his Special Assistant for the apprehension and trial of the mutineers.¹¹¹

But as the summer of 1858 progressed the need for some sort of amnesty for the mutineers became increasingly apparent. Being driven to desperation, they provided the backbone of the resistance in Oudh and formed the bulk of the supporters of the rebel Taluqdars. The Chief Commissioner, therefore, pressed in July that those sepoys, who were not guilty of murdering Europeans, should be allowed to return to their homes after being disarmed.¹¹² He was backed in this recommendation by all the officers except Campbell.¹¹³ No decision was taken in this matter till November when the Royal Amnesty was extended to every sepoy unless he was proved guilty of direct participation in murdering Europeans.¹¹⁴ The sepoys who surrendered under the amnesty were permitted to settle peacefully in their villages. As normalcy returned to Oudh, Wingfield prohibited the detention even of sepoys belonging to regiments guilty of 'the most outrageous deeds' so as

108. SFD to CC, 28 January 1858, ISPr, 29 January 1858, 362.

109. JC to all CRs, 12 May 1858, IPFPr, 31 December 1858, 2486;
SCC to JC, 18 May 1858, IPFPr, 31 December 1858, 2487.

110. JC to SCC, 3 June 1858, FPPr, 18 June 1858, 66.

111. SCC to SFD, 14 May 1858, IPFPr, 11 June 1858, 162.

112. Extract of SCC to SFD, 10 July 1858, Outram Papers, 6308-44-77.

113. Hutchinson to Outram, 2 August 1858, Outram Papers, 6308-44-77.

114. SFD to CC, 6 December 1858, IPFPr, 31 December 1858, 1845.

not to unsettle the minds of the others. Guilty individuals could always be picked up for trial when evidence was available. As a result not one sepoy in Oudh was tried for murdering officers.¹¹⁵

In December 1859 a mopping-up operation to clear the Tarai of the rebels was carried out in cooperation with Jang Bahadur. He captured about 2,000 of them and handed them over to British officers.¹¹⁶ They were allowed to go to their homes except those who were wanted specifically for direct participation in the murder of Europeans.¹¹⁷ The Government negated the proposal of the administration that two Subadars should be tried because they had taken a prominent part in the revolt as leaders and instigators, an excepted category under the Royal Amnesty.¹¹⁸ Canning rightly wished to let the events of the rebellion pass quickly into oblivion.

By and large the nobility and aristocracy of Oudh escaped punishment for the rebellion. A few, such as Rajas Jalal Singh and Loni Singh, Indra Vikram Singh, Fazl Ali, Ram Baksh and Mammu Khan, were tried and punished for their part in the murder of Europeans. The trials of Loni Singh and Indra Vikram Singh caused an acute difference of opinion between Wingfield and the Judicial Commissioner. Both the rebels had surrendered the European officers from Sitapur and their families to the Rebel Darbar at Lucknow. They were later

115. SCC to SFD, 2 August 1859, IPFPr, 19 August 1859, 224.

116. Wingfield to Outram, 8 January 1860, Outram Papers, 6308-44-77; AAR, 1859-60, 124.

117. SFD to CC, 14 January 1860, IPFPr, 20 January 1860, 155.

118. SCC to SFD, 17 May 1860, IPFPr, May 1860, 294-96; SFD to CC, IPFPr, 21 April, 1860, May, 1860, 300.

killed when the city was invaded by the British army.¹¹⁹ When Campbell adjudged Loni Singh not to be an accessory before murder, Wingfield was scandalised by his findings. To prevent a similar verdict in the trial of Indra Vikram he was prepared to bypass the Judicial Commissioner's court by creating a special commission to try the Raja.¹²⁰ He was deterred from such an extraordinary course by the adverse opinion of the Advocate General who doubted its necessity on legal and political grounds. It would have hindered 'a return to the ordinary institutions of peace.'¹²¹

A fair estimate of the lenient and conciliatory policies followed in Oudh, where the rebellion was the most widely spread and persistent, may be formed from the fact that only 23 persons were capitally punished there in 1858. Only 115 persons were transported for three years or more; 13 were sentenced to imprisonment for less than three years while only 27 were punished by flogging.¹²²

As a means of inducing the people to settle down to peaceful occupations it was imperative that some provision be made for the employment of the returning sepoys and rebels. A very large number of mutineers poured into Oudh, their home, where they faced the immediate problem of earning a living. Some of course

119. CC to SFD, 29 July 1859, IPFPr, 19 August 1859, 224.

120. CC to SFD, 4 August 1859, IPFPr, 23 September 1859, 254.

121. Advocate General to SFD, 29 July 1859, IPFPr, 23 September 1859, 294.

122. Memorandum of JC enclosed with SCC to SFD, 21 February 1859, IPFPr, 13 August 1859, 144.

would be absorbed in agriculture but for rest a life of crime or begging would be the only alternative to starvation. Montgomery, therefore, proposed a scheme of large scale road building throughout Oudh. Such labour intensive work required a large labour force and would provide relief to the unemployed mutineers.¹²³ Large scale demolitions, and the construction of fortified posts and arterial roads at Lucknow had already provided gainful employment to many of them.¹²⁴ The scheme was at once put into effect after it received the sanction of the government.

There was a very strong feeling among many officers against the employment of Indians in government departments after the suppression of the revolt. Surprisingly, an officer like James Outram, who had always been known for his sympathetic treatment of Indians, advocated such views early in 1858 while encamped at Alambagh. He regarded them to be inefficient and corrupt and was convinced that they systematically perverted justice.¹²⁵ It appears that the abnormalities of the situation in Oudh and, especially, the artificial conditions in the camp at Alambagh, where he had to act constantly against the mutineers who had once been the trusted soldiers of the Company, distorted his views. However, it is pleasant to find, in his later correspondence, his normal self reasserting itself once the crisis had blown over. Canning rightly negatived his recommendations. He considered such a policy as suicidal and unfair to those Indian servants of the government who stood by its side loyally during the worst of times.¹²⁶

123. SCC to SFD, 22 December 1858, IPFPr, 21 January 1859, 2072.

124. SFD to CC, 11 January 1859, IPFPr, 21 January 1859, 259.

125. Memorandum of CC enclosed with SCC to SFD, 29 January 1858, FPC, 5 November 1858, 192.

126. SFD to CC, 6 October 1858, FPC, 5 November 1858, 193.

But perhaps the most statesmanlike and symbolic of all the measures of conciliation was to engrave a simple epitaph, 'Victims of 1857', on the monument erected to perpetuate the memory of three British officers killed by the rebels at Lucknow. It was considered that a more elaborate one would perpetuate bitterness between Europeans and Indians.¹²⁷

While pursuing, conciliatory policies, the government did not hesitate to use coercion whenever and wherever it was needed. Persistent rebels were open to conciliation only when it was backed by the determination and coercive power of the government. The resolve of the government to punish those who persisted in setting its authority at naught as readily as it would reward loyalty needed to be demonstrated. For this purpose an efficient force to work under the civil officers was urgently required.

Apart from the army, the great agency for the establishment of order in the province was its military police. The old police, established on the first occupation of the province, was swept away by the rebellion. Outram was greatly handicapped for want of a police when he was encamped at Alambagh; he found it very difficult to hold the vital road link between Lucknow and Kanpur. He was so desperate in fact that he even proposed to re-enlist some of the Sikh deserters from the Residency for this purpose.¹²⁸ He was permitted to raise a body of police and no limit was placed on its strength.¹²⁹ Under his instructions, Captain Carnegie raised at Banni a body of police of a military character with the help of some friendly landholders of the neighbourhood.¹³⁰

127. Hutchinson to Outram, 2 August 1858, Outram Papers, 6308-44-77;

Memorandum of Hutchinson undated IPFPr, 10 September 1869, 188.

128. SCC to SFD, 24 December 1857, ISPr, 29 January 1858, 350.

129. SFD to CC, 4 January 1858, FSC, 26 March 1858, 68.

130. SCC to Carnegie, 21 December 1858, FSC, 26 March 1858, 67.

The need for an efficient police force became still more pressing after the reoccupation of Lucknow. The mutinies had already deprived the government of most of the regiments of the sepoy army. The number of available European soldiers was too limited to be of much use in the general pacification of the country. The climate of the region would necessarily lead to a large number of victims of exposure if they were to be deployed in the strenuous campaign in the interior for reoccupying and holding it. It was, therefore, indispensable to have some auxiliary units to hold and subdue the country in the wake of the campaigning army.¹³¹ Outram submitted a plan for a new police for the province which was prepared, at his request, by Captain Bruce of the Bombay Army, who had seen service in Sindh and the Panjab.¹³² The plan was based on the Sindh pattern. Under it the civil and military police were to be amalgamated and the new police was to be placed under its own officers. It was to be independent of the control of the district officers, because a divided control between the civil and police officers was considered undesirable in the disturbed state of Oudh. The traditional type of district police was not to be organised as there would always be a danger of collision between it and the military police. Moreover being untrained and undisciplined, the civil policemen would be prone to get into hazardous positions from which it would be difficult to extricate them. Their functions would be assigned to the military police.¹³³

The plan was rejected off hand by the Governor General through a short and curt telegraphic message. He considered the amalgamation

131. SCC to SFD, 29 December 1857, FSC, 26 March 1858, 67.

132. SCC to SFD, 24 March 1858, IPFPr, 31 December 1858, 3426.

133. Memorandum of Bruce, 23 March 1858, IPFPr, 31 December 1858, 3427.

of the military and detective police to be 'a fundamental error'.¹³⁴ It is difficult to account for the total rejection of the plan in such a hasty manner without a careful consideration, especially when a substantially similar plan was sanctioned barely a couple of months later. In view of Outram's impending departure from Oudh, Canning might have desired to give his successor, Montgomery, the recognised architect of the Panjab police, a chance to put forward his own scheme. But this could have been done without rejecting the plan outright. He could have postponed his decision till Montgomery had expressed his views about the plan. It is well to bear in mind that at that time relations between Canning and Outram were undergoing considerable strain because of the latter's sharp disagreement with the Oudh Proclamation and his urgent and rather hasty request to be relieved from the Chief Commissionership.¹³⁵ He was, however, instructed to go ahead with the enlistment for the military police and Captain Bruce was nominated as the Chief of Police.¹³⁶

Robert Montgomery assumed office at Lucknow on 3 April 1858.¹³⁷ A distinguished civilian, he had considerable experience of police matters, acquired as the Judicial Commissioner of the Panjab. He found himself, though the Chief of a rebellious province yet to be subdued, without any force under his command. The attention of the Army was focussed elsewhere and a police force was yet to be raised and trained. His urgent need was for a protective police,

134. SFD to CC, telegram, 31 March 1858, ISPr, 30 July 1858, 60.

135. Outram to Canning, 20 March 1858 and Canning to Outram, 29 March 1858, Canning Papers.

136. SFD to CC, telegram, 31 March 1858, ISPr, 30 July 1858, 60.

137. SCC to SFD, 3 April 1858, FPC, 16 April 1858, 176.

not a detective or preventive one, for the restoration of order in the small area under occupation and the extension of British control beyond it.¹³⁸ A country filled with a hostile population and armed bands of men could be pacified only through such an agency. They were needed also for the protection of the life and property of the loyal persons.¹³⁹ For such operations the civil police without a military training or discipline would be utterly useless.

Montgomery, like Outram, matured his plan for a military police in close consultation with Captain Bruce. Bruce kept a constant correspondence with Bartle Frere, the Commissioner of Sindh, on the problems and features of the police to be organised in Oudh.¹⁴⁰ Montgomery readily agreed to model the new force on the Sindh pattern. Perhaps the fact of his being a Protestant Irishman himself might have influenced his adoption of the Sindh model as its organisation was based on the Irish constabulary.¹⁴¹

Like its prototype, the Sindh Police, the most distinguishing feature of the Oudh military police was its complete separation from the magistracy. It was to be commanded by its own European officers. Its organisation was fully centralised under the Chief of Police, who was directly responsible to the Chief Commissioner, instead of being decentralised, as was the case with the traditional police, under the control of the various district officers.¹⁴² The

138. MSCC to SFD, 22 June 1858, IPFPr, 13 August 1858, 237.

139. Undated Memorandum of CC, IPFPr, 5 November 1858, 183.

140. Frere to Bruce, 20 May 1858 and many other letters, Bruce Papers, 43991.

141. Campbell, G., Memoirs of My Indian Career, ii, 65.

142. Compendium of Rules for Military Police, IPFPr, 1 July 1859, 254.

independent organisation would provide for the greater unity of action and command and would facilitate operations in the anarchic conditions then prevailing in Oudh. Under those conditions a divided authority and multiplicity of control would be a fatal drawback. The overworked magistrates would not be able to devote requisite care and attention to them. Canning later testified that the police could not have achieved, what it did, had it not been so separated.¹⁴³

The police had a military organisation. A unique feature of the force was that though its European superintendency was modelled on a regional basis in the form of the divisional and district commands, the various regiments were to be commanded, irrespective of the district of their posting, by Native Commandants. Their position was of great trust and responsibility. It was a great prize in the gift of the Chief Commissioner to reward any signal service or to employ the sons of the influential nobility of Oudh.¹⁴⁴ It is refreshing to notice that so much trust was placed upon the Indian officers in a period when so much suspicion and distrust was directed against them in India.

The European officers of the police had been entrusted with full control in matters of organisation and discipline. They were vested with the powers of Joint Magistrates for such purposes. For ordinary crimes the policemen were amenable to the usual criminal courts with a proviso that in cases of felony their European

143. Note of GG, 23 June 1859, FPC, 15 July 1859, 253-257 and K.W.

144. Memorandum of CC, enclosed with MSCC to SFD, 22 June 1858, IPFPr, 13 August 1858, 238.

Commandants would sit jointly with the magistrates, in their capacity as the Joint Magistrates, for their trial. In case of any difference of opinion between the two, the Commissioner would pronounce judgement.¹⁴⁵ A more objectionable provision was that if the judicial sentence were such as to entail dismissal from the force, such as imprisonment or flogging, it would be executed only if the District Commandant confirmed it. If he had any objection he could re-present the matter to his superiors.¹⁴⁶ This was a very unusual privilege. In effect it meant subordinating a judicial court to the police officers who could effectively obstruct the execution of a judicial sentence. It made the military police 'all powerful' in the province as it was placed by the rules , 'to a certain extent, beyond the control of district authorities and criminal courts'.¹⁴⁷ Such rules injured the independence and supremacy of the judicial tribunals. The extreme abnormality of the situation in Oudh in 1858-59 was possibly the only justification for such extraordinary provisions in the police rules. The police needed every single trained policeman for active duties in the field. It could ill-afford the thinning of its ranks by dismissal consequent upon judicial sentences. Replacing them by recruiting and training fresh men would be a lengthy process. By the time a reasonable degree of order was introduced in the province by the middle of 1859, the Supreme Government considered the rule to be objectionable.¹⁴⁸ Wingfield had, in the meantime, himself realised the inadvisability of continuing it and had already made the Commissioner referee in cases in which the District Commandant did not approve of the sentence, instead of the Divisional Commandant or the Chief of Police.¹⁴⁹

145. SCC to SFD, 21 June 1858, IPFPr, 15 November 1858; Rules for the trial of Military Police, IPFPr, 5 November 1858, 185.

146. Compendium of Rules, IPFPr, 15 July 1859, 254.

147. Note of SFD, 23 June 1859, FPC, 15 July 1859, 253-57 and K.W.; SFD to CC, 21 July 1859, FPr, 5 August 1859, 280.

148. SFD to CC, 5 July 1859, FPC, 15 July 1859, 253-57 and K.W.

149. SCC to SFD, 13 July 1859, FPC, 15 July 1859, 253-57 and K.W.

Montgomery originally intended to raise a force of 9,000 foot and 3,000 mounted policemen.¹⁵⁰ The number was rather too small to hold about 24,000 square miles inhabited by a hostile and warlike population and infested by large bands of well armed mutineers. They could not expect much help from the army in their day-to-day problems. Moreover, some signs of disaffection were noticed among the Panjabi soldiers at Dera Ismail Khan at the time. It was apprehended that some more units of the regular army would have to be sent to the Panjab from other places. Such an eventuality would have further denuded Oudh and its neighbourhood of the regular army. Oudh needed, therefore, to be more self-sufficient in the matter of a dependable military force.¹⁵¹ Therefore, on Canning's suggestion, it was decided to raise 12,000 foot and 3,000 mounted policemen, organised in 15 and 5 regiments respectively.¹⁵² The Chief of Police was ordered to raise and train the force by 1 October 1858 to make it available to cooperate with the army during its autumn campaign.¹⁵³

Recruitment for the police was a difficult problem.¹⁵⁴ Due to the unsettled conditions and fear of reprisals from the rebels, enough men did not offer themselves for enlistment. To overcome this reluctance, the pay of the infantry branch of the police had been

150. MSCC to SFD, 22 June 1858, IPFPr, 13 August 1858, 237.

151. Canning to Montgomery, 2 April 1858, Canning Papers.

152. MSCC to SFD, 21 August 1858, FPPr, 5 November 1858, 188;
MSCC to SFD, 1 September 1858, FPC, 22 October 1858, 224-26.

153. MSCC to SFD, 22 June 1858, IPFPr, 31 December 1858, 241.

154. CC to SFD, telegram, 20 March 1858, ISPr, 30 April 1858, 276;
Bruce to MSCC, 9 October 1858, IPFPr, 31 December 1858, 179.

raised at Outram's insistence.¹⁵⁵ Still the difficulty was not solved. Moreover, Montgomery was against raising the force mainly from the people of Oudh; he considered them untrustworthy and liable to desertion under the pressure of the insurgents. He desired to recruit policemen from other regions, especially the Panjab.¹⁵⁶ In this, perhaps, his view was influenced by his long association with the Panjab and the general distrust that then prevailed against the people of Oudh. Later, however, his apprehensions proved to be incorrect and the local policemen proved to be as loyal and heroic as others.¹⁵⁷ Sir John Lawrence opposed recruitment from the Panjab as he thought it a bad policy to put too many Panjabis in the British forces.¹⁵⁸ The distrust for the Sikhs among the senior military officers became very great after the manifestation of disaffection among the Sikh Regiments at Dera Ismail Khan.¹⁵⁹ Sir John relented only when pressed hard.¹⁶⁰ Eventually the Panjabis accounted for 6,565 men in Oudh police as against 3,643 men from the North-Western Provinces and 3,225 men from Oudh in December 1858.¹⁶¹

Bruce, apparently supported by Montgomery, toyed for sometime with the idea of recruiting in the Middle East for the military police. He was strongly discouraged by General Mansfield who considered it to be a bad policy to bring in foreigners. He did not consider it

155. GG to CC, telegram, 31 March 1858, ISPr, 30 April 1858, 278.

156. MSCC to SFD, 21 May 1858, IPFPr, 20 August 1858, 239.

157. MSCC to SFD, 14 October 1858, IPFPr, 14 January 1859, 231.

158. MSCC Panjab to SFD, 7 June 1858, IPFPr, 31 December 1858, 344.

159. Mansfield to Bruce, 6 August 1858 and 13 August 1858, Bruce Papers, 43992.

160. MSCC Panjab to SFD, 7 June 1858, IPFPr, 31 December 1858, 3144.

161. Return of Military Police, IPFPr, 15 April 1859, 27.

to be an economic proposition. Moreover he doubted their suitability for the military police.¹⁶² Though the idea was given up it manifestly indicated the difficulties faced in recruiting policemen; it also exhibits the suspicions entertained by some sections of senior officers towards the local people.

The mutinies had generated a grave distrust for high caste Hindus, the Brahmans and Rajputs, or the so called 'Pandi element', of Oudh. It resulted in, what was the most significant feature of recruitment, a conscious and deliberate policy of recruiting low caste men for the police.¹⁶³ Such a policy was, as Outram had already lamented, an extension of the old policy of recruiting the armed forces chiefly from one group of castes.¹⁶⁴ A force composed largely of low caste men could play the same game of mutiny as that which contained only the higher ones. This prejudice led to the existence of only 384 Brahmans and 607 Rajputs in a police force consisting of 12,433 men in December 1858. Their proportion in the cavalry was a little higher. It contained 288 Brahmans and 202 Rajputs out of its total strength of 2,983 troopers.¹⁶⁵ Large number of low caste men were recruited in Oudh and the Panjab. Outram had particularly insisted on the recruitment of Pasis who had displayed so much skill and tenacity in the operations against the Residency.¹⁶⁶ Low caste men predominated in the infantry; they numbered over 5,000 out of 9,450 men in December. Their number

162. Mansfield to Bruce, 13 August 1858, Bruce Papers. 43992.

163. Note of Bruce, 20 May 1858, IPFPr, 20 August 1858, 239; Bruce to Stewart, 12 April 1858, Bruce Papers, 44007; Montgomery Report on Administration, 247; IPFPr, 27 May 1859, 366A; Montgomery said that the 'intriguing Brahmans and fanatical Musalmans were not allowed too ready admittance into the ranks' of the police.

164. SCC to SFD, 29 December 1858, FPC, 26 March 1858, 68.

165. Return of Military Police, IPFPr, April 1859, 27.

166. Outram to Bruce, 17 July 1858 and 8 October 1858, Bruce Papers, 43992.

in the cavalry was negligible. There were 2,721 Sikhs, 664 Jats and 850 Muslims in the infantry while in the cavalry their numbers were 1161, 425 and 695 respectively. Nearly all the lower castes were represented among the policemen.¹⁶⁷

Obviously the Oudh administration wanted to keep as many diverse elements in the police as was possible. This caused considerable difficulties when the men of high castes objected to being required to drill low caste recruits or to being mixed with them in units.¹⁶⁸

In spite of the shortage of European officers during the training period, which was so acute at times that there would be but one officer for two regiments being trained, Captain Bruce did the splendid job of raising a good military police force.¹⁶⁹ It proved its worth as an active military force, fought sixteen actions and earned the appreciation of all the authorities.¹⁷⁰ Only on one occasion could some policemen be accused of cowardice.¹⁷¹ It performed the vital functions of occupying and holding the areas cleared by the army. Not a single disturbance occurred in the areas thus occupied by it.¹⁷² After the rebels had been driven into Nepal, it guarded the frontier to prevent their incursions into Oudh.¹⁷³ Its most significant achievement was the effective disarming of the fully armed population of Oudh which, as Wingfield affirmed, could not have been done by any other agency.¹⁷⁴ It took up the functions of the civil police in the different areas as they were reoccupied and performed them under the directions

167. Return of Military Police, IPFPr, April 1859, 27.

168. Bruce to Hutchinson, 9 June 1858 and another undated letter, Bruce Papers, 44007.

169. Bruce to MSCC, 9 October 1858, FPr, 31 December 1858, 31.

170. Bruce to MSCC, 24 January 1859, IPFPr, 25 February 1859, 581.

171. Bruce to MSCC, 17 June 1859, IPFPr, 8 July 1859, 259.

172. Bruce to MSCC, 24 January 1859, IPFPr, 25 February 1859, 581.

173. SCC to SFD, 21 July 1859, IPFPr, 30 December 1859, 490.

174. AAR, 1858-59.

of the civil officers. After the constitution of the regular civil administration in the province the force fully assumed the functions of the detective and preventive police although it took sometime to settle down in its new role.¹⁷⁵

The anarchic conditions in Oudh, the difficulties involved in controlling the policemen when detached in small parties for various duties and the need of strictly executing orders regarding the disarming of the population and the clearing of the countryside often led to excesses on the part of the police. Often the complaints of such behaviour were reported in the press and in private communications. Officers tended to ignore the lapses of the police in this respect. Even the Chief Commissioner seemed to gloss over such behaviour when he officially received information to that effect.¹⁷⁶ The Governor General sharply rebuked Wingfield for such a lapse and cautioned him to keep the police under strict watch and in strict discipline otherwise there would be a 'danger of their becoming more formidable, because more powerful than the worthless police' that they had replaced.¹⁷⁷ It must be admitted, however, that it would have been very difficult, even if the Chief Commissioner wanted to do so, to deter the policemen from such acts in the particular circumstances of Oudh at that time. It would be rather naive to expect that the people of the province would surrender their dearly prized arms or that they would willingly disclose the whereabouts of their rebellious kith and kin simply on being forced by the policemen by

175. Ibid.; Bruce to MSCC, 24 January 1859, IPFPr, 25 February 1859, 581.

176. SFD to CC, 21 July 1859, IPFPr, 5 August 1859, 280.

177. SFD to CC, 21 July 1859, IPFPr, 5 August 1859, 280.

means which were strictly bona fide. The urgent need of completing such tasks as quickly as possible would not allow detailed and patient interrogation and investigation.

After the reoccupation of Lucknow an efficient civil police was organised by the Judicial Commissioner for the city.¹⁷⁸ It was subordinate to the City Magistrate. The restoration of order was its main task. But later with the development of the new system of police in the province it was taken out of the control of the City Magistrate and was placed in the charge of a Superintendent of the City Police who was directly responsible to the Chief of Police.¹⁷⁹ An important innovation after the reoccupation was that its cost was defrayed from the local funds of the city and not from the imperial revenue as was the case before the Revolt.¹⁸⁰ It was intended to be a measure of punishment for the revolt of the inhabitants of the city.

No measure for the pacification of the province torn by such extensive rebellion would succeed without disarming its martial population and demolishing the forts and other defensive structures which abounded in its countryside. The measure was strongly advocated by Outram from his camp at Alambagh as a prerequisite of the restoration of order in Oudh. Though essentially a kind hearted man, he considered the necessity of disarming the population

178. Campbell, op.cit., ii, 24; Memorandum of CC enclosed with SCC to CR Lucknow, 12 May 1858, FPC, 23 July 1858, 184-88.

179. Montgomery report on administration, 287, IPFPr, 27 May 1859, 366A.

180. SCC to SFD, 21 July 1859, IPFPr, 30 December 1859, 390.

so urgent that he advocated the exaction of the extreme penalty in law for disobeying orders in this respect.¹⁸¹ Canning too was convinced of the need of the measure and made, in his Oudh Proclamation, the surrender of arms a condition for the submission of the Taluqdars.¹⁸² Montgomery included this condition in the Kabuliyat, or agreement, to be signed by them.¹⁸³ Of course he did not insist on the immediate compliance with the condition because of the lack of the means to enforce it effectively. Moreover, he did not wish to deprive the friendly Taluqdars of their arms at a time when they could provide much needed police services.¹⁸⁴ The Governor General finally ordered in October 1858 that the measure be carried out vigorously on pain of fines, confiscation of estates and imprisonment. The harrowing experience of the Revolt had cured him of the liberal ideas he had held only a couple of years earlier.¹⁸⁵

Montgomery ordered that the population be disarmed simultaneously with the reoccupation of different areas during the forthcoming autumn campaign of the army. It was to be done systematically, pargana by pargana, with a firm hand. On the theory that the entire adult male population of Oudh was armed, officers were directed not to relax their search till as many arms as the number of male residents of the village were recovered.¹⁸⁶

181. Memorandum of CC enclosed with SCC to SFD, 29 January 1858, FPC, 5 November 1858, 192.

182. The Oudh Proclamation, Rizvi and Bhargava, op. lit. ii, 328-330.

183. Draft of Kabuliyat, IPFPr, 1 October 1858, 140.

184. SCC to SFD, 22 May 1858, ISPr, 25 June 1858, 52; SCC to SFD, 8 September 1858, IPFPr, 1 October 1858, 139.

185. Minute of GG, 17 September 1856, IPFPr, 26 September 1856, 396; see Chapter 2, supra.

186. SCC to SFD, 15 October 1858, FPC, 12 November 1858, 197-200.

Disarming proved to be a very difficult process. To the sturdy and martial people of Oudh arms were one of their dearest possessions. They tried to conceal them by every conceivable stratagem. But the Military Police, by sheer persistence, combined with persuasion, rewards to informers and strictness, achieved a considerable success.¹⁸⁷ The whole or part of many estates were confiscated for the offence of the concealment of arms.¹⁸⁸ In spite of all the vigour and vigilance on the part of the police the inhabitants did succeed in concealing considerable quantities of arms. However, most of such arms, which were buried, did not remain usable after some time due to rust.¹⁸⁹

Montgomery ordered the demolition of forts and other defensive structures as and when they were occupied by the army. The jungles surrounding them were pierced by wide roads. This and the disarming of the people were made the primary duty of all the officers and their promotion was made conditional upon their success.¹⁹⁰

Some exceptions were, however, made to the general disarming. Some very favoured Taluqdars such as those of Balrampur, Tiloi and Murarmow, were allowed to retain a gun each as a mark of honour.¹⁹¹ The district officers were permitted to issue licenses to possess arms to men of character and influence in their

187. Montgomery report on administration, 26; IPFPr, 27 May 1859, 366A.

188. AAR, 1858-59; SCC to SFD, 27 April 1859, FPPr, 27 May 1859, 406.

189. AAR, 1858-59, and 1860-61; 133; JAR, 1861-62, 36, IFJPr, December 1862, 1.

190. Memorandum of CC, 2 October 1858, Canning Papers.

191. SCC to SFD, 8 September 1859, FPPr, 23 September 1859, 280; SCC to SFD, 21 September 1859, FPPr, 7 October 1859, 218.

districts.¹⁹² In Tarai, abounding in deer and wild hog which destroyed crops, disarming was abandoned as the cultivators had threatened to leave the area.¹⁹³

The demolition of forts and the disarming of the population were successful in their purpose. They were responsible to a large extent for the rapid tranquillisation of Oudh and the restoration of law and order. However, a more unwanted result was an alarming increase in the number of predatory animals such as wolves, for whose killing rewards had to be increased.¹⁹⁴

After the reoccupation of Lucknow, Montgomery introduced a system of penal taxes in the city as a measure of punishment of the inhabitants for remaining neutral and not doing anything for the help of the government or the protection of Europeans and Christians during the crisis.¹⁹⁵ Such taxes were unjust because they tended to fall most heavily on those who were the least guilty. The traders and the ordinary citizens of Lucknow could not have dared to oppose the mutineers who had assembled at Lucknow. Montgomery turned down the scruples of the Judicial Commissioner based on equity and ordered a fine ranging from one to ten rupees per annum on each house in the city.¹⁹⁶ From the wealthy citizens an additional fine, amounting to three to six months' income, was realised.¹⁹⁷ Montgomery ordered that

192. SCC to SFD, 15 October 1858, FPC, 12 November 1858, 197-200.

193. CR Bahraich to SCC, 2 July 1859, FPPr, 8 April 1859, 573.

194. Barrow to SCC, 17 November 1858, IPFPr, 24 December 1858, 290.

195. JC to SCC, 27 July 1858, IPFPr, 31 December 1858, 3983; SCC to SFD, 2 August 1858, IPFPr, 31 December 1858, 3985.

196. JC to SCC, 5 May 1858, IPFPr, 20 August 1858, 216; SCC to JC, 10 May 1858, IPFPr, 20 August 1858, 219.

197. SCC to SFD, 2 August 1858, IPFPr, 31 December 1858, 3985.

the fines be so timed as to make it coincide with the anniversary of the commencement of the *siege* of the Residency in order to underscore their penal aspect. The proceeds were to be devoted to conservancy and the improvement of the city. It was decided to exact another fine from the owners of the houses which remained unoccupied for a long time after the reoccupation of Lucknow in spite of Outram's proclamation of 21 March ordering the owners to return to their dwellings within ten days.¹⁹⁸

The local administration planned to impose heavy penal taxes on the towns and villages where the revolt had been particularly virulent or where Europeans had been killed.¹⁹⁹ A tax was imposed upon the neighbouring villages of Salon for rebuilding the government offices which had been destroyed by the assesseees after the outbreak.²⁰⁰ However, the Royal Amnesty precluded the imposition of such taxes elsewhere.²⁰¹ The Governor General had already cautioned the Chief Commissioner against the general resort to penal measures because the common people could not stand aloof in anarchical conditions.²⁰²

Martial law was not imposed on Oudh at any time during the suppression of the revolt. The army could ill-afford to spare its officers for any work which was not strictly professional. All persons that it captured during the operations in Oudh were at once made over to the civil officers of the province for trial.²⁰³

198. SCC to JC, 10 May 1858, IPFPr, 20 August 1858, 219.

199. SCC to JC, 29 April 1858, IPFPr, 20 August 1858, 215.

200. Barrow to SCC, 17 November 1858, IPFPr, 24 December 1858, 290.

201. SFD to, 30 November 1858, IPFPr, 24 December 1858, 292.

202. SFD to CC, 26 July 1858, IPFPr, 20 August 1858, 228.

203. Memorandum of JC, 3, IPFPr, 12 August 1859, 144.

Soon after the reoccupation of Lucknow, Outram appointed Captain Barrow as Special Commissioner for the trial of the mutineers and rebels. He was instructed by the Chief Commissioner to be severe in punishment.²⁰⁴ Later as the administrative system was established the usual courts took up the trial of such persons and the services of Captain Barrow were drafted for work relating to the Taluqdars.

The Supreme Government had passed a series of Special Acts in 1857 and 1858 to meet the situation created by the mutinies followed by the revolt of the civil population. They had empowered the Government and local administrations to adopt drastic measures to curb disturbances and to severely punish the mutineers and rebels. Montgomery was reluctant to entrust to all officers the special powers available under the Acts. There was always a danger of individual officers misusing them in an unjust and vindictive manner under the influence of the extreme bitterness generated by the Revolt and its attendant horrors. Montgomery, therefore, invested only the Commissioners and some Deputy Commissioners with such powers. Moreover, they were subjected to close supervision and review by the Judicial Commissioner.²⁰⁵ The latter reviewed and confirmed all capital sentences before execution.²⁰⁶ It was only in October 1858 that the Government of India directed that all the Commissioners and Deputy Commissioners be invested with full special powers.²⁰⁷ But, soon afterwards, the Royal Amnesty drastically reduced the opportunities to use them.²⁰⁸

204. SCC to Barrow, 21 March 1858, ISPr, 28 May 1858, 431.

205. Memorandum of JC, 3, IPFPr, 12 August 1859, 144.

206. Campbell, G., op.cit., ii, 25.

207. Ibid.; SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

208. Memorandum of JC, 3, IPFPr, August 1859, 144.

They were withdrawn altogether when organised rebellion was extinguished in Oudh at the close of 1858. The regular courts began to function and followed the normal non-regulation procedure from the new year.²⁰⁹ It was a very appropriate gesture on the part of Montgomery as it speeded up the process of normalisation. The functioning of the regular courts would inspire confidence in the people; it would demonstrate to all concerned that the nightmarish days of the revolt and its suppression were over.

Still, the situation in Oudh demanded a vigorous administration of justice. Various minor rebels and groups of disaffected people were still present. It was apprehended that criminals might take advantage of the situation and that complete tranquillity might take some time to return. Therefore, the Supreme Government greatly extended the powers of the various grades of officers in Oudh. They could try more serious crimes and could award much higher sentences than before.²¹⁰ It was apprehended that for some time crimes against the person and property would increase in Oudh because of a large number of desperate people who abounded in the countryside. It was decided to award deterrent punishments; all crimes against the person and property attended with serious violence would be punished capitally.²¹¹ The Governor General delegated the prerogative of pardon to the Chief Commissioner so that he could interfere with judicial sentences on political or other grounds if he thought it necessary in the unusual and disturbed circumstances of Oudh.²¹²

209. SCC to SFD, 5 January 1859, FPPr, 21 January 1859, 277; SCC to all CRs, 30 December 1858, IPFPr, 21 January 1859, 278.

210. SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

211. SCC to all CRs, 30 December 1858, IPFPr, 21 January 1859, 278.

212. SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

These circumstances necessitated the adoption of the summary mode of punishment by flogging. Prison accommodation in Oudh was too limited even before the revolt. It was almost non-existent at the time of the reoccupation when the number of convicts was expected to rise sharply. It was thought that for some time to come the prisons would provide inadequate punishment. Outram, while emphasising the need for severe punishments, considered the prisons to be places of 'pleasant purgatory'; he even advocated their abolition.²¹³ Flogging was considered to be more of a deterrent because the victims carried the scars, and the stigma, on their backs for the rest of their lives. Fines were also favoured as a mode of punishment. They would weigh heavily on the families of the convicts who would endeavour to stop further crimes.²¹⁴ The Supreme Government, therefore, directed that fines and flogging should take the place of prison sentences as far as possible. It took care however to instruct that no officer below the rank of Deputy Commissioner should award a sentence of flogging because it was an irreversible punishment.²¹⁵

In spite of the use of fines and flogging as judicial punishments imprisonment could not be totally dispensed with, especially in cases of heinous offences. Because of the acute shortage of prison accommodation in Oudh the Chief Commissioner was instructed in May 1858 to transport to penal colonies all prisoners serving sentences of seven years or more.²¹⁶ For the same reason the lower limit of the term leading to transportation was reduced

213. Memorandum of CC enclosed with SCC to SFD, 29 January 1858, FPC, 5 November 1858, 192.

214. SCC to all CRs, 14 October 1858, IPFPr, 12 November 1858, 197-200.

215. SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

216. SFD to CC, 31 May 1858, FPPr, 20 August 1858, 191.

three months later to five years.²¹⁷ Still the prisoners in Oudh and elsewhere exceeded the available prison accommodation because of the growing number of convictions. Therefore, Act IV of 1859 was passed which authorised the local governments to transport prisoners sentenced to a term of three years or more, even though the sentence might not have included transportation. This Act was extended to Oudh.²¹⁸ This led to a severe enhancement of the sentences which originally did not stipulate transportation. The religious beliefs of the Hindus prohibited a voyage and it would lead to a loss of their caste. For some of them this prospect perhaps held greater terror than loss of life. Consequently criminals often begged the judges to award sentence of capital punishment instead of transportation.²¹⁹ The shortage of the prison accommodation in Oudh was morally an insufficient reason for such a substantial accession to the judicial sentences for short terms by an act of the legislature. However, the number of prisoners actually transported remained low because of the clement policies that were adopted in Oudh. Only 218 of them were so punished up to August 1859.²²⁰

Because of the anarchical conditions prevailing during the period of the revolt there was much crime against the person and property before the reoccupation. Much property had changed hands by way of plunder and forcible occupation. There was a distinct

217. SFD to CC, 31 August 1858, IPFPr, 10 September 1858, 61.

218. Despatch from SOS to GOI, Legislative, 4, 26 May 1859;
SCC to SFD, 10 October 1859, IPFPr, 14 October 1859, 200.

219. Canning to Colin Campbell, 12 February 1858, Maclagan,
Clemency Canning, 181.

220. SCC to SFD, 10 October 1859, IPFPr, 14 October 1859, 200.

probability that cases concerning them would swamp the civil and criminal courts of the province after the restoration of order.²²¹

Moreover, such suits and criminal prosecutions would open up old sores among the people at a time when it would be best to try to make people forget the past and expedite the process of pacification.²²² The admission of cases of disputes which occurred in Oudh during the rebellion could not be reconciled with the principle, that was being acted upon, that the people of Oudh were conquered enemies and that Oudh was an enemy territory at war with the British. Moreover, the Royal Amnesty had condoned all the wrongs committed during the disturbances. The Judicial Commissioner was, however, in favour of restoring property in dispute, if it still existed intact, to its rightful owner, in case the defendant had not taken advantage of the amnesty. The Chief Commissioner ruled out Campbell's suggestion.²²³ It was decided that no cognizance should be taken of any offence committed at a time when the place of its occurrence was not under the control of the government. However, the administration reserved the right to take due cognizance of the acts of desperate criminals and others when special circumstances or the degree of atrocity made it seem appropriate.²²⁴

The vigour of administration and the concentration and alertness of the military police in the countryside in disarming the people caused a significant fall in crimes in the areas reoccupied by the government.²²⁵ Indeed great political and social upheavals are generally followed by a period of calm in criminal activities.

221. JC to SCC, 8 May 1858, FPC, 23 July 1858, 184-88.

222. SCC to SFD, 11 April 1859, IPFPr, 27 May 1859, 379.

223. SCC to JC, 2 April 1859, IPFPr, 27 May 1859, 378.

224. JC to SCC, 8 May 1858, FPC, 23 July 1858, 184-88.

225. Memorandum of JC, 11, enclosed with SCC to SFD, 21 February, 1859, IPFPr, 12 August 1859, 144.

A very unwanted, but significant, development in the crime situation of the province was the resurgence of Thagi and dacoity. It was caused by the events attending the outbreak of the Mutiny followed by the release of prisoners from the jails of the province. There were four Thags and eighty one Badhak dacoits in Lucknow Jail at that time. After their release by the mutineers, they took full advantage of the anarchic conditions of the province. They organised themselves into gangs and enrolled new members. Their activities came to the knowledge of the authorities when a few of them were apprehended after the reoccupation.²²⁶ What was worse, the Thags, because of the paucity of their numbers, had started associating with criminals of other denominations. This led to confusion in the investigation of their crimes. Several mysterious murders committed in and around Lucknow confirmed the worst suspicions of British officers.²²⁷ The Badhaks organised several gangs of robbers who operated in many parts of Oudh. The discovery of these facts caused grave concern to the government.²²⁸ The Supreme Government directed Captain Chamberlain, the Assistant Superintendent for Thagi and Dacoity, to move to Oudh for the systematic eradication of the crime.²²⁹ It was about a year before such crimes were finally suppressed.

The restoration of order by conciliatory policies, with firmness and coercion wherever required, was not considered enough to ensure peace on a permanent and secure basis. It was thought necessary to establish pockets of dependable people in the population who would help the government in any future emergency.

226. Memorandum of Thurburn, 3 December 1858, IPFPr, March, 1859, 354.

227. Ibid.

228. SCC to SFD, 11 December 1858, IPFPr, 24 December 1858, 355.

229. SFD to CC, 4 March 1859, 360.

The widespread character of the rebellion in Oudh had shaken the faith of the government in the possibility of inducing its people to be thoroughly loyal. The Bais people of Baiswara were considered to be especially unreliable. It was, therefore, considered advisable to introduce a foreign element of proved loyalty into the province. The idea was first mooted by Captain Boisragon, a police officer from the Panjab.²³⁰ Montgomery took up the suggestion, and in July 1858 strongly recommended the establishment of Sikh colonies in Oudh.²³¹ The idea was reinforced over the next few months by the virulence of the Bais resistance under Beni Madho. Major Barrow, who had some personal knowledge of the Bais people, advised that Sikhs be settled in Baiswara to break the Bais hegemony.²³² The Government of India, which was facing the problem of rewarding the loyal Sikhs, accepted the suggestion. It directed Montgomery to grant land to many Sikh chiefs like the Raja of Kapurthala and the Attariwala Sardars.²³³ They were, however, to be dispersed over the province instead of being concentrated in any one part of it.²³⁴ Most of the grantees were required to reside on their estates in order to exercise proper control and influence over the ryots.²³⁵

Besides the Sikhs, estates were granted to some European officers and gentlemen for a similar purpose. Five of them had been

230. Boisragon to CC, 18 May 1858, IPFPr, 27 May 1858, 185.

231. SCC to SFD, 1 July 1858, IPFPr, 30 July 1858, 131.

232. Barrow to SCC, 17 November 1858, IPFPr, 24 December 1858, 290.

233. SFD to CC, 30 November 1858, IPFPr, 24 December 1858, 295.

234. SFD to CC, 21 December 1858, IPFPr, 31 December 1858, 1637.

235. SFD to CC, 30 June 1859, IPFPr, 15 August 1857, 17.

officers in the King's service.²³⁶ An educated Bengali Brahman, Dakhina Ranjan Mukherji, was also assigned a confiscated estate in Baiswara.²³⁷ Because of his education he later exerted considerable influence over his fellow Taluqdars and for a long time he remained a secretary of their association. They, too, were required to reside on their estates.²³⁸

But this handful of immigrants among the vast and sturdy population of Oudh could not, and did not, have any marked degree of lasting influence. They rapidly lost their individuality in the reorganised aristocratic class after the suppression of the revolt: this class contained many Taluqdars of much greater wealth, influence and respectability bestowed by ancient lineage. The prophecy of the Lucknow Herald, that a 'new race of "Oudacious Sikhs"', the type of the ancient Carthagians' would arise, remained unfulfilled.²³⁹

It was natural that the cataclysmic experience of the mutinies and of the revolt of the civil population should lead to some rethinking about the administrative structure of the province. Such emergencies generally tend to concentrate power in the hands of the local administrative chiefs. It was decided to strengthen the authority of the Chief Commissioner. Before the outbreak he had little

236. Note to Canning on and SCC to SFD, 13 April 1859, FPC, 30 December 1859, 886.

237. General statement of confiscated estates, Barrow to SCC, 24 June 1859, Appendix D, IPFPr, 30 December 1859, Supp. 501.

238. SFD to CC, 31 October 1859, IPFPr, 30 December 1859, 893.

239. Extract from Lucknow Herald, 9 December 1858, Chamier Papers, 7510-31.

actual power though he commanded great influence. The Financial and Judicial Commissioners were the effective heads of their departments and the Chief Commissioner was vested only with general control and supervision over them. Outram, during the period of comparative inactivity in his camp at Alambagh, had deliberated over the structure of the Oudh administration and had sent a detailed memorandum to the government in which he set out his own views on almost all aspects of administration. His principal recommendation was to centralise all the executive functions in the hands of the Chief Commissioner by abolishing the offices of the Financial and Judicial Commissioners. He considered a Civil Judge sufficient to assume all the purely judicial functions of the latter.²⁴⁰ Apart from the need of a strong Chief Commissioner to administer a very disturbed province, he might have been guided also by his own experience during his brief stint as the Chief Commissioner of Oudh in 1856 when he had to face the problem of the insubordination of the Financial Commissioner. He might have found his own authority too cramped then. It is remarkable that Jackson had also arrived at a similar conclusion and had recommended the abolition of the offices of both the commissioners.²⁴¹ But Canning, who had been acutely embarrassed and annoyed by his strained relations with his subordinates, was not prepared to consider such a proposal from him.²⁴²

The government kept a decision on Outram's suggestion in abeyance for about eight months and observed developments in Oudh.

240. Memorandum of CC, enclosed with SCC to SFD, 29 January 1858, 5 November 1858, 192.

241. Jackson to Canning, 13 February 1857, Canning Papers.

242. Canning to Jackson, 27 February 1857, Canning Papers.

After the reoccupation of Lucknow the office of Financial Commissioner was not filled. The need for concentrating all powers in one hand was too great to be ignored. It was imperative that the evolution and execution of the new policy towards the landholders of the province be left to the Chief Commissioner. The organisation of the military police was an equally important need of the time. It was inadvisable to leave it to the care of the Judicial Commissioner and, thereby, to create an intermediary between the Chief Commissioner and his principal arm of action. The military police was, therefore, directly put under his control.²⁴³

As the proposed autumn campaign by the army in Oudh approached the government made up its mind about the strengthening of the authority of the Chief Commissioner. It was apprehended that the process of complete restoration of order in the province would be a long one. It was ordered, therefore, that all the executive powers of the administration should in the first instance be concentrated in the hands of the Chief Commissioner. The office of Financial Commissioner was abolished until the need for it might arise. The Judicial Commissioner was deprived of police management; he was confined to functions of a purely judicial nature and to the management of the prisons.²⁴⁴ It was a significant departure from the Panjab system. The Chief Commissioner of Oudh was much more free from constraints than his counterpart in the Panjab. He could pursue his policies, such as those adopted towards the Taluqdars or the development of a new police system, single-mindedly without having to bother about the opposition and views of his own subordinates.

243. Compendium of Rules for Police, IPFPr, 15 July 1859, 254; Campbell, Memoirs of My Indian Career, ii, 25 and 62.

244. SFD to CC, 6 October 1858, FPC, 5 November 1858, 193; Notification, 20 October 1858, FPC, 5 November 1858, 194-95 and K. W.

But despite the fact that the Chief Commissioner's authority was so much strengthened, there were unpleasant controversies between him and the Judicial Commissioner, even in the face of the abnormal circumstances of province in 1858-59. George Campbell, the Judicial Commissioner, was a comparatively young officer.²⁴⁵ He was an able, energetic and ambitious man and was rather given to a strong and positive assertion of his views. He was very conscious of his position as the Judicial Commissioner and was keenly disappointed by the circumscription of the authority of his office in the new distribution of powers in Oudh.²⁴⁶ In spite of his early differences with Montgomery over the question of the treatment of rebels, he pulled on well with him.²⁴⁷ After the latter's departure to Lahore, his claims to succeed him were superseded, to his great disappointment, by the appointment of Wingfield.²⁴⁸ Very soon tensions built up between the two on many issues. Both were officers of strong views. Wingfield did not like his judicial findings in the cases of noted rebels such as Raja Loni Singh of Mithauli.²⁴⁹ They had acute differences over the proper channel of appeals against the judgements of junior officers.²⁵⁰ Official relations between them were very much strained when Wingfield properly objected to his practice of sitting with the Assistant and Deputy Commissioners in their courts to hear difficult cases.²⁵¹ Campbell wrote a strongly worded and curt minute denying the right of the Chief Commissioner to interfere in judicial matters and refused to comply with the latter's orders to desist from the practice.²⁵² Canning had

245. Campbell, op.cit. i, 3.

246. Ibid., ii, 337.

247. JC to SCC, 22 May 1858, IPFPr, 31 December 1858, 2488; JC to SCC, 19 June 1858, IPFPr, 31 December 1858, 2490.

248. Campbell, op.lit, ii, 38.

249. Wingfield to Beadon, 10 July 1859, IPFPr, 1 July 1859, 208.

250. SCC to SFD, 9 April 1859, IPFPr, 13 May 1859, 445.

251. SCC to SFD, 31 May 1859, IPFPr, 1 July 1859, 208.

252. Minute of JC, 12 May 1859, IPFPr, 1 July 1859, 208.

learnt the lesson of such collisions well while dealing with Jackson. He sharply censured Campbell and expressed his resolve not to permit him to cross or thwart the authority of the Chief Commissioner.²⁵³ In the new structure the Chief Commissioner was to remain supreme in the province.

The Revolt had taken a huge toll of European officers, civil as well as military, by way of death and sickness caused by exposure and unprecedented exertions. The Government of India found it very difficult to supply the needs of the local administrations. As a result very junior and inexperienced officers officiated in responsible positions at a time when maturity of judgement was most needed. The Oudh Commission was constantly embarrassed by the acute shortage of officers.²⁵⁴ The gravity of the situation can be gauged by the fact that in April 1859, when the restoration of order was in an advanced stage all over the disturbed areas, no Deputy Commissioner in Oudh, except one, who was to proceed shortly on leave, had held an independent charge for one year. Only three of them had held such positions for more than three months. Half of them were officiating and half of the rest had been promoted during the preceding few weeks.²⁵⁵ Such a situation could not have been conducive to the good management of a new and recently reconquered province. It was creditable indeed for Montgomery and Wingfield, and a testimony to the quality of their leadership, that they were able to rapidly pacify the province and re-establish order and authority with such an agency at their command.

253. SFD to CC, 27 June 1859, IPFPr, 1 July 1859, 210; Canning to Wingfield, 27 June 1859, Canning Papers.

254. SCC to SFD, IPFPr, December 1858, 131; SCC to SFD, 23 November 1858, IPFPr, 24 December 1858, 281; SCC to SFD, 18 February 1859, IPFPr, 25 February 1859, 262.

255. Minute of JC, 2 April 1859, IPFPr, 13 May 1859, 453.

The process of the restoration of order and the establishment of the government and its authority after the suppression of the Revolt was very rapid. The apprehensions of a prolonged guerrilla resistance did not materialise. The cooperation of the grateful Taluqdars and the energy and firmness of the Military Police combined to exact a due obedience to law and to government orders from the people. By the middle of 1859 the situation had improved so much that Canning decided to visit Lucknow for the first time since his arrival in India.²⁵⁶ The visit was to symbolise the completion of the 're-establishment of the authority of the government in Oudh. It was also to mark formally the beginning of an era of new policies in Oudh. Canning addressed the Taluqdars in a darbar attended with solemn ceremonies at Lucknow on 26 October 1859. There he spoke 'not of the past but of the future' and formally inaugurated the Oudh policy - a policy heavily weighted in favour of the landed aristocracy of the province.²⁵⁷ Thenceforth it would influence the views and actions of the government in almost every field, and a determined attempt would be made to extend it beyond the confines of Oudh.

256. Canning to Wingfield, 13 August 1859 and Wingfield to Canning 27 August 1859, Canning Papers.

257. Notification, 26 October 1859, IPFPr, 4 November 1859, 155.

CHAPTER 4

The New Police, 1859-77

The police, both civil and military, had disintegrated as soon as the disturbances broke out in Oudh in 1857. Robert Montgomery had to organise a police force for the province de novo after its reoccupation.¹ He had had extensive experience of the traditional police system, firstly as a district officer in the North-Western Provinces and then as the Judicial Commissioner of the Panjab. He was fully conversant with its principal defects - inefficiency, corruption and oppression. The organisation of an efficient police force in Oudh was facilitated by the fact that Oudh, as a new province, had no distinctive police system of its own. He could experiment there with greater ease than would have been possible in the older provinces. The disturbed state of Oudh also provided him with an opportunity to test the efficacy of new methods more effectively than in more peaceful conditions.

In fact the inefficiency of the Indian police and the defects that beset it had been engaging the attention of Anglo-Indian administrators for a long time. In all the provinces except Sindh and to some extent Bombay, the police system was highly decentralised. The district magistrates controlled it under the superintendence of the Commissioners of their divisions. But the magistrates of large districts had such a variety and multiplicity of functions to perform that often they could pay little or no attention to police affairs, which were left to low paid and often corrupt subordinate officials. Consequently, it was inefficient, undisciplined, corrupt and oppressive.² The findings of the Torture Commission in the Madras Presidency were by no means unique.³

1. Montgomery Report on Administration, IPFPr, 27 May 1859, 366A.
2. Speech of Frere in Legislative Council, 29 December 1860, Wood Collection. Memorandum on Police sent by Mayo to Argyll, 7 December 1869, Argyll Papers.
3. Griffiths, P.: To Guard My People, The History of the Indian Police, 24-92; Razvi, N.A.,: Our Police Heritage, 86.

The Moplah atrocities in Southern India and the Revolt in Northern India underscored the ineffectiveness of the police in any grave emergency. The authorities in London, too, pressed for radical reforms.⁴

After some sporadic attempts at reform in all the presidencies, significant and systematic reforms were made in the police organisation, not in any great presidency of the empire, but in an obscure and distant corner of the subcontinent. Sir Charles Napier organised the police in the newly conquered province of Sindh on the model of the Royal Irish Constabulary. It was completely detached from the magistrates and was managed by its own officers.⁵ Though it aroused the suspicion and hostility of senior officers, gradually it won over sceptics such as George Clerk and Bartle Frere. Some half hearted attempts were made to adopt its features elsewhere in the Bombay Presidency, the North-Western Provinces and the Panjab but such reforms were not carried far enough.⁶ After the suppression of the Revolt it became the prototype for the Oudh Police.

The Revolt had shaken Montgomery's faith in the old police, which simply disappeared when opposed by armed groups of insurgents. In spite of his earnest attempts to reform the old police in the Panjab he had failed to remove its corruption and oppression and to make it disciplined. He therefore decided to make a clean break with the traditional system in Oudh and not to reintroduce there the Panjab system of a double police. Instead of organising a civil as well as a military police, he resolved to entrust the duties of the civil police to the newly raised military police. In discharging the functions of the civil police it would act under the directions of the district officers.⁷

4. Despatch from the Court of Directors, Judicial, 41, 24 September 1856.

5. Griffiths, op.cit., 67-70; Curry, J.C., The Indian Police, 23-24.

6. Frere to Bruce, 1858, Bruce Papers, 43991; Speech of Frere, 29 September 1860, Wood Collection.

7. Sec to SFD, 21 June 1859, IPFPr, 5 November 1859, 182. For features of the double Police of the Panjab see Chapter 2, supra.

Montgomery was very preoccupied with corruption and oppressive tendencies of the little controlled, and less superintended, old police scattered over the countryside in far flung thanas and outposts. He therefore proposed to do away with all thanas and outposts and to station at each tahsil headquarters sixty foot and twenty-five mounted military policemen and about a dozen hand picked detectives. The police was to be supervised by Tahsildars and Assistant Commissioners whom he proposed to post in the interior. He thought that the watchful eyes of these officers would keep corruption and oppression under check. The detectives were to function in close cooperation with the landholders.⁸

In spite of Montgomery's experience, he seems to have thought that a squad of less than a hundred policemen could suffice for an area between four and five hundred square miles containing three to four hundred villages in a densely populated region. Tahsil headquarters were often not centrally situated, they would often be a score or more miles from the outlying villages. Under the proposed system the police would probably reach the scenes of the crime too late to find useful clues. As Canning told Montgomery, 'police work to be done well must be done promptly'.⁹ Under the proposed distribution this would not always have been possible. The proposal also violated a generally accepted principle that the police ought to be scattered while the army should be massed. Presumably Montgomery was influenced by the rebellious state of Oudh when he made the proposal; at that time scattered units of the police always faced the danger of being destroyed by the insurgents.

Canning was not convinced that the location of the police at one place in the tahsil would solve the problem of corruption and oppression. There was no guarantee that the Tahsildars would be as incorruptible as Montgomery seemed to assume. The real failing of the old police did

8. Memorandum on Civil Police, SCC to SFD, 2 June 1858, IPFPr, 5 November 1858, 183.

9. SFD to CC, 23 October 1858, IPFPr, 5 November 1858, 185.

not lie so much in the system as the human element composing it. The policemen were under-paid, ill-supervised and had few opportunities of promotion. Still, when vigorously worked, as the government of India testified, they showed good results.¹⁰ There was some truth in Canning's assertion that the system was 'not nearly so much at fault as the police agency'.¹¹ But his suggestion for the reform of the agency was vague, if not rather simplistic. He thought that raising the moral tone and close supervision were needed more than empirical innovations.¹² The low moral tone itself was partly a result of low pay and prospects. Any attempt to solve such widespread abuses as corruption and oppression was bound to involve innovations, many of which would necessarily be empirical in character.

The Supreme Government refused to sanction the proposed distribution of the police.¹³ As a result, the military police, when it was entrusted with the duties of the civil police, was to perform them while being dispersed over the province on the familiar pattern of Thanas and Chaukis.¹⁴

To compensate for the small number of policemen to be stationed in the interior, Montgomery proposed to exact a large amount of police work from landholders and heads of villages. He proposed that it should be their 'imperative duty' to employ all the agencies that they could command, to detect and prevent crime in their estates and to hunt criminals. Their tenure would depend upon the satisfactory performance of such duties. To bolster their authority, he would invest them with power to send up bad characters to district officers. He was prepared to entrust magisterial powers to the better ones amongst them.¹⁵

10. Ibid.

11. Ibid.

12. Ibid.

13. Ibid.

14. Compendium of Rules for the Police, IPFPr, 1 July 1859, 254.

15. SCC to SFD, 21 June 1858, IPFPr, 5 November 1858, 182.

The scheme was impractical. Montgomery prepared it within ten weeks of his arrival at Lucknow before he could thoroughly assess the situation in Oudh. He had no opportunity of judging the character of the vast majority of landholders by personal observation because practically the whole of Oudh, except its capital, was in a state of active rebellion. It must have been difficult for him to assess the normal requirements of a civil police appropriate to peace while being almost overwhelmed by the task of suppressing a grim rebellion. Moreover he was so impressed by the hold of the Taluqdars over their tenants that he was resolved to force them to exert 'the same weight of their influence into the cause of order and suppression of crime'. In fact he considered them as 'the keystone in the arch of the whole police fabric'.¹⁶

But it was too much to expect that the landholders and headmen of coparcenery villages, a vast majority of whom were men of modest means and had to work hard for a living, would perform the routine functions of a police constable gratuitously without misusing them for personal benefit. Even in the case of Honorary Assistant Commissioners, who belonged to the opulent and leisured class of principal Taluqdars, the government had to remonstrate time and again about their lack of active interest in their judicial work.¹⁷ Even such outstanding men as Man Singh and the Raja of Amethi sometimes misused their judicial powers for personal benefit though their work was closely supervised by the officers.¹⁸ It would hardly be possible for less than one hundred executive and police officers to scrutinise the routine police work of landholders and their agents in about 24,000 villages of Oudh and prevent their misuse.

Moreover the landed aristocracy would regard the work of a police constable as below their station. They would have no control over the

16. Ibid.

17. AAR, 1865-66, 85; AAR of NWP, 1877-78, 48-49.

18. AAR, 1863-64, Appendix XVI C; J. C. to SCC, 28 April 1862, IFJPr 1 December 1862, 11; C R Baiswara to J. C, 24 March 1863, IF Gen Pr, October 1863, 11; AAR, 1864-65, 37.

policemen and would have to function as auxiliaries to them. They would have to take directions from the subordinate police officials about the detection and apprehension of the suspected criminals. Thief catching is onerous, thankless and even distasteful work under the best of circumstances. Moreover it would necessitate frequent attendance in a distant court as a witness, which had always been considered as distasteful by respectable Indians. Canning appropriately cautioned Montgomery that 'their pride, their prejudices and their habits' would 'all be opposed to such a requisition'.¹⁹ To give landholders and headmen the power to send up bad characters to the district officer would arm them with an authority which could be misused. Some of them would probably utilise such powers to get rid of anyone who made himself obnoxious to them. The Government of India therefore negatived these proposals and expressed its apprehension that the enforcement of such police duties upon the unwilling landholders would destroy their goodwill for the government and could be productive of evil. However, the Oudh administration was asked by the Government to enforce their full cooperation as landholders in the maintenance of law and order as was required of them under the existing regulations.²⁰ As a result the landholders were not entrusted with any police responsibility of a routine nature. They were made responsible for promptly reporting crime in their villages. They were to extend their full cooperation and aid in its detection and prevention. Chaukidars were to be appointed by them and the landholders were to be answerable for their efficiency and promptness of action.²¹ Chaukidars would not be made scapegoats for their negligence.²²

As the months passed and more areas in Oudh were brought under control, Montgomery directed the military police to discharge the functions

19. SFD to CC, 23 October 1858, IPFPr, 5 November 1858, 185.

20. Ibid.

21. Compendium of Rules for Police, IPFPr, 15 July 1859, 254;
Montgomery Report on Administration, IPFPr, 27 May 1859, 366A.

22. Ibid., 288.

of the civil police there. He considered the results to be satisfactory. He therefore made up his mind not to organise the civil police at all.²³ After the last organised group of rebels was driven into Nepal at the end of 1858, he at once ordered the resumption of regular administration.²⁴ The military police, largely released from military duties, was directed to take up all the functions of the civil police. It is curious that Montgomery did not care to obtain the sanction of the Supreme Government for such a significant departure from the established practice.²⁵ The process of conversion was difficult and the transition to the new type of work by the military police necessarily took more than two months.²⁶ Later, in accordance with its new status and duties the word Military was dropped from its name and it was rechristened the Oudh Police in May 1859.²⁷

It was decided that this would be the only regular police organisation in the province and all functions of police - protective, preventive and detective - were entrusted to it. A single police organisation performing all these functions had the great advantage of being cheaper than two.²⁸ Moreover it avoided the inevitable duplication and the consequent confusion. In this way Oudh finally gave up the Panjab system of a double police.

The Oudh Police retained all the principal features that characterised the Military Police. Like its prototype, the Sindh Police, its centralised structure under its own officers was maintained. Control

23. Montgomery to SHD, April 1859, FPPr, 10 June 1859, 250.

24. SCC to SFD, 3 January 1859, FPPr, 21 January 1859, 271.

25. Montgomery to SHD, April 1859, FPPr, 10th June 1859, 250.

26. AAR, 1858-59.

27. SCC to SFD, 27 May 1859, FPPr, 15 July 1859, 250.

28. Report of Police Commission, 8 September 1860, Harirao, P., Indian Police Act, 134B.

remained vested in the hands of the Chief Commissioner, unlike the pre-Mutiny police which was managed by the Judicial Commissioner. It became a distinct department of the Oudh administration and its Chief was directly responsible to the Chief Commissioner for its efficiency, discipline and internal economy. All types of local police, such as city, town and rural police, were put under his care and control.²⁹ This step was designed to ensure the professional management of all types of police as well as to provide for a unity of command at times when swift and decisive action might be required.

Impressed by its exploits of a military nature the Government of India suggested to Wingfield that he should entrust to it some military duties which had earlier been discharged by the Sepoy army. Wingfield opposed the suggestion as he wanted to maintain it as a police force in name as well as in function. It would be, he argued, an unnecessary wastage to employ skilled policemen on routine military duties.³⁰ Moreover such a step would inevitably raise the problem of duality of control over the police between the local administration and the military authorities.

With a view to minimise corruption, oppression and other malpractices on the part of the police, it was decided to deprive police officers of all judicial functions. 'To the police belongs', the rules clearly laid down, 'the duty of preventing and detecting crime. To the civil authorities that of investigating judicially the cases brought before them by the police'.³¹ Such a view of the functions of the police was obviously based upon the traditional English notion that a criminal trial is a litigation between the accused and the state, and, as such, the police is

29. Compendium of Rules for Police, IPFPr, 15 July 1859, 254; SCC to SFD, 13 June 1860, IPFPr, August 1861, 78.

30. SCC to SFD, 21 July 1859, IPFPr, 30 December 1859, 490.

31. Compendium of Rules for Police, IPFPr, 15 July 1859, 259; SCC to SHD, 13 June 1860, IPFPr, August 1861, 78.

a party to the trial. It therefore should not act judicially to ensure a fair trial and to secure the people from its tyranny. The Revolt had made responsible British officers conscious of the need to protect the people from oppression and thereby to gain their confidence. Montgomery therefore interdicted the police from recording evidence or confessions. It was directed not to promise favours or threaten the accused in order to obtain clues and evidence. The police was often accused of harrassing people by making unnecessary arrests and later releasing them if it could not find sufficient evidence. To stop this practice the police was ordered not to release any prisoner without producing him before a magistrate. Only the latter had the authority to release prisoners after their arrest by the police.³²

While the military police was being converted into civil police and its rules and conditions were being adapted to its new role, it aroused bitter opposition both in and out of Oudh. Its staunchest opponents were influential and able men. Within Oudh its greatest opponent was George Campbell, the Judicial Commissioner, who ranked second only to the Chief Commissioner in the local official hierarchy.³³ The other opponents included two Commissioners, St. George Tucker and Colonel Abbot. Many Deputy Commissioners like Chamier and Bradford did not like it.³⁴ At Calcutta, Harrington, a member of the Supreme Council and many other senior officers were opposed to it.³⁵ G.F. Edmonstone, the Lieutenant Governor of the North-Western Provinces, and one of the close confidants of Canning, was against the new police.³⁶ But perhaps the greatest and the most influential and uncompromising of all the

32. Ibid.

33. Bruce to Frere, 16 April 1858, Bruce Papers, 40007.

34. Montgomery to Bruce, 6 December 1858, 25 July 1859, 1 April 1859, Bruce Papers, 43993.

35. Montgomery to Bruce, 4 August 1859, Bruce Papers, 43993; Frere to Bruce, 30 July 1859, Bruce Papers, 43991.

36. Frere to Bruce, undated, Bruce Papers, 43991.

critics was Sir John Lawrence in London. He almost regarded it as heresy on the part of his erstwhile lieutenant, Montgomery, to devise and establish the new system in Oudh in preference to the Panjab system of double police.³⁷ Sir F. Currie and other members of the India Council supported his views.³⁸ The opposition was in fact so severe that Montgomery wrote to Bruce, the Chief of Police in Oudh, 'The wonder is that you are in existence at all'.³⁹

It is noteworthy that most of the critics of the new police, such as Sir John Lawrence, Campbell, Colonel Abbot, Edmonstone and Harrington either belonged to, or were the admirers of, the Panjab school. The Panjab system of non-regulation administration and double police had stood the test of the Revolt, and they perhaps looked forward to its extension even in the regulation provinces. They apprehended that the new police would undermine the patriarchal image of district officers by being put beyond their control. Nearly all the critics were certain that under its own officers, it would be a rival centre of authority to the Deputy Commissioner; there would be 'two kings in Brentford'.⁴⁰ It was regarded as a serious departure from the non-regulation form of administration under which the Deputy Commissioners were to head all the branches of administration in their districts.⁴¹ Most of the civilians apprehended that they would lose control over their 'little armies'.⁴² The apprehensions about the nature of the relationship between the police and the executive in the districts were not altogether unfounded; the quest for a proper and satisfactory relationship between the magistracy and the police remained a thorny problem for many years. It was in fact never solved to the complete satisfaction of all the critics.⁴³

37. Ibid.; Montgomery to Bruce, 1 April 1859, Bruce Papers, 43993; Wood to Canning, 10 August 1860 and 24 September 1860, Wood Collection.

38. Wood to Canning, 9 January 1861, Wood Collection.

39. Montgomery to Bruce, 4 August 1859, Bruce Papers, 43993.

40. Frere to Bruce, 30 July 1859, Bruce Papers, 43991.

41. JC to SCC, 3 May 1861, 26-28, IPFPr, August 1861, 322.

42. Frere to Wood, 22 October 1860, and Canning to Wood, 8 August 1860, Wood Collection.

43. Campbell, Memoirs of My Indian Career, ii, 66.

Some opponents had strong objections on a more theoretical plane. Campbell considered the complete separation of the police from the judiciary a retrograde step and the extreme application of the English belief that a criminal trial was a litigation between the parties leaving the police as prosecutors with no judicial functions. He advocated a 'police judiciaire' on the French pattern, having functions of an inquisitorial character.⁴⁴ Perhaps such a police would have been useful in the Oudh countryside where the magistrates were few and far between. But the difficulty was that the same financial considerations which dictated the employment of a small number of magistrates would also have led to keeping the police establishment at the minimum possible strength. This would render a close supervision of subordinate police officials in the interior impossible. Under such circumstances the recording of confessions and evidence would have been open to much abuse, as they had actually been under the old system.

No doubt some of the opposition to the new system was aroused by the fact that it was a radical departure from the accepted and prevalent system. British officers tended to be conservative and looked at changes of sweeping nature with suspicion. Wood's admonition about the changes in the police - 'reform but do not sweep away' - illustrates this tendency.⁴⁵ Also bureaucrats tend to prefer the administrative system which they have grown accustomed to. The opposition of Lawrence, Edmonstone, Harrington and other officers could be partly explained by this tendency. Edmonstone as the Foreign Secretary and Sir John as the Chief Commissioner were responsible for the development of the Panjab system of double police. Small wonder that the new police had in Sir John its most inveterate enemy.

44. Campbell, G., Memoirs of My Indian Career, ii. 63-64.

45. Wood to Wilson, 3 July 1859, Wood Collection.

An additional factor was the general ignorance of police matters that prevailed among Anglo-Indian 'officers of all classes and views'. The growth of scientific thinking about the police was a nineteenth century phenomenon even in Europe. In India 'a very few have thought', Frere lamented, 'carefully on the subject . . . But every man feels competent to pronounce ex cathedra not only what is best for his own parish but for all India'.⁴⁶ Any measure of significant reform was likely to be opposed in such circles.

The Oudh Police aroused substantial opposition because of its antecedents. Its military past and the continuing martial element in its drill, discipline and training was a favourite target of its critics. It was argued that it was too military in character to be of any great use as civil police.⁴⁷ It was no doubt true that its military origin and functions and the fact that all its officers and the majority of its men were enlisted from the army or for their martial qualities, did affect its organisation, its procedure and the attitudes of its members. It was only after some time and difficulty that it could shed its martial character and adopt itself to its new role.

In spite of this opposition the new police was established in Oudh. This was made possible by the powerful support of some very influential persons. Canning was initially very suspicious of the Sindh model and rejected Outram's plan based on it in 1858.⁴⁸ Later he yielded to the persuasions of Outram and Montgomery and sanctioned a police patterned on the Sindh system.⁴⁹ After that he extended his complete support to the Oudh Police against all odds.⁵⁰ Outram remained its firm ally all

46. Frere to Wood, 22 August 1860, Wood Collection.

47. Wood to Canning, 16 September 1860, Wood Collection; Wood to Elgin, 7 December 1860, Elgin Collection; JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

48. SFD to CC, Telegram, 31 March 1858, ISPr, 30 July 1858, 60.

49. Outram to Frere, 9 April 1858, Bruce Papers, 44007; SFD to CC, 3 August 1858, IPPr, 13 August 1858, 239.

50. Canning to Wood, 8 August 1860, Wood Collection.

along.⁵¹ Frere, whose judgement and wisdom was held in the highest esteem by the Governments in India and England, was a strong advocate of the new police.⁵² The two Chief Commissioners, Montgomery and Wingfield, were firmly resolved to work it against all opposition. The former continued to exert himself in its favour after he had left Oudh.⁵³ Some newspapers like the Oudh Gazette, the Friend of India and the Lahore Herald gave the new experiment powerful support⁵⁴. Finally, its perpetuation was assured when the Police Commission adopted its principal features in its recommendations for the new police in India.⁵⁵

The suppression of the Revolt had strained the financial position of the government to the utmost. The Secretary of State put strong pressure on the Government of India to reduce expenditure on all branches of administration, especially the army and police. Almost every private letter from Wood to the members of the Indian Government urged reductions. As army and police expenditure had swelled during the past crisis, some reorganisation of the police in all the provinces seemed imperative.⁵⁶ The military police corps raised throughout the Bengal Presidency were little distinguishable from the old sepoy army. Lord Clyde and other senior army officers were extremely reluctant to reduce the army until the military police everywhere had been reformed or demobilised. Indeed they considered a good police the sine qua non of army reductions. Moreover an efficient police force was considered a better alternative to the army in as much as the former had a local character and was scattered in distribution. It would be less prone to mutiny.⁵⁷

51. Outram to Bruce, 9 June 1859 and 14 August 1859, Bruce Papers, 43993.

52. Frere to Bruce, 30 July 1859, Bruce Papers, 43991.

53. Montgomery to Bruce, 14 May 1859 and 13 July 1859, Bruce Papers, 43993.

54. Ibid.; Montgomery to Bruce, 25 April 1859, Bruce Papers, 43993.

55. Report of Police Commission, Harirao: op.cit., 126.

56. Bruce to Mansfield, undated, Bruce Papers, 44007; Wood to the Queen 23 November 1861, Wood Collection.

57. Wood to Canning, 26 June 1860, Wood Collection.

Apart from financial considerations, Canning had a strong desire to reform all branches of the administration. The old police and its practices in all parts of India were notoriously oppressive to the people. Even before the Revolt the Court of Directors had urged the Government of India to reform the police. The events of the Revolt had underscored the need of such measures.⁵⁸

In 1858-59, two separate attempts to put the police on better footing in India were being made simultaneously, though independently of each other. One such attempt was going on in the Madras Presidency. In pursuance of the sanction granted by the Court of Directors in June 1857, Robinson, who was appointed Chief Commissioner of Police in May 1858, was working out and implementing a new system of police there.⁵⁹ During the same period Montgomery raised his military police and perfected his arrangements to convert it into civil police. It is noteworthy that though the police systems in the two provinces were developed independently of each other and under very different circumstances - while Oudh was experiencing a widespread rebellion, Madras was quiet - the basic principles of both systems were identical.⁶⁰

Canning was specially impressed by the achievements of the Oudh police in pacifying the province and disarming its people.⁶¹ He had observed its functioning at close quarters from his camp at Allahabad after its inception and had noted its economical basis. Because of the unsettled condition of Oudh its new police had a better opportunity of proving its worth than that of the quiet and settled Madras Presidency. He in fact

58. Despatch from the Court of Directors, Judicial, 41, 24 September 1856.

59. Memorandum on Police sent by Mayo to Argyll, 7 December 1869, Argyll Papers, 312. The Scheme submitted by Robinson was given statutory sanction by Act XXIV of 1859.

60. Frere's speech in the Legislative Council, 29 September 1860, Wood Collection.

61. Note of Canning on Memorandum of SFD, 23 June 1859, FPC, 15 July 1859, 242-55 and K.W.; SFD to CC, 25 February 1859, IPFPr, 25 February 1859, 582.

formed such a good impression of the new system that in April 1860 he strongly urged the Lieutenant Governors of the Panjab and the North-Western Provinces to adopt the main features of the Oudh Police.⁶² Frere, who was also very gratified by its working, advocated the extension of its principles elsewhere in India.⁶³ Wilson, the financial member of the Governor General's Council also approved of it.⁶⁴ On Bruce's return from China in July 1860, Canning and, almost certainly, Frere talked with him on the question of police reform in India.⁶⁵ When Canning appointed a Police Commission in the following August, consisting of the officers of nearly all the provinces, Bruce was nominated as its Secretary. He was its only full time member.⁶⁶ The Commission was supplied with a memorandum containing the views of the Government on the features of a good police in India.⁶⁷ It contained the principles on which the Sindh, Oudh and Madras police were organised. But it was more attuned to the Oudh system than to that of Madras in as much as it envisaged the infusion of a considerable military element in drill, discipline and training.⁶⁸ The Commission was directed to suggest a plan for a most efficient and economical police system. It was also to submit a draft bill incorporating its recommendations.⁶⁹

The Commission worked hard and with amazing speed and within three weeks of its formal nomination, it came out with its first report and a

62. Canning to Wood, 8 August 1860, Wood Collection.

63. Frere to Bruce, undated, Bruce Papers, 43991.

64. Wilson to Bruce, 4 February 1860, Bruce Papers, 43996.

65. Bruce to Canning, 6 July 1860, Bruce Papers, 44008.

66. Resolution, H D , 17th August 1860, HJPr, 8 September 1860, 52; SHD to Bruce, 31 August 1860, HJPr, 8 September 1860, 58.

67. Memorandum on Police, Resolution, HD, 17 August 1860, HJPr, 8 September 1860, 53.

68. Though the Madras and Oudh police were developed simultaneously, the new system is often called after the former because of the greater importance and prestige of the Madras Presidency.

69. Resolution, HD, 17 August 1860, HJPr, 8 September 1860, 53.

draft bill. The Commission considered the example of the English and the Irish Police as well as those of India. Its proposals were substantially similar to the Oudh police system. In its final report it stated that its recommendations were being implemented in Madras while they were already in practice in Oudh. Thus Oudh set the pattern of reform of police in India.

The recommendations of the Commission resulted in Act V of 1861.⁷⁰ This Act, modified from time to time in matters of detail to meet the needs of changing circumstances, remained the basis of the Indian Police for more than a century.⁷¹ It became an integral part of the great effort to put the criminal law of India on a sound footing in as much as, without it, it would be very difficult to put the Indian Penal Code and the Criminal Procedure Code into practice. It was extended to Oudh in the same year; no change in the police there was required.⁷²

The most significant problem of the police in Oudh after pacification was that of numbers. The necessity of subjugating and holding a rebellious province had made it imperative to raise a large military police. There were 14,760 men at an annual cost of 2,664,318 rupees on 1 May 1859 in the police.⁷³ It was obvious that a police at a cost of nearly a quarter of the total revenue of the province could not be kept for long. Therefore a process of reduction was initiated in July 1859 and was continued for over a decade till its strength was finally reduced to 5,875 in 1870.⁷⁴

70. Gupta, A.: Crime and Police in India, 390-91.

71. Griffiths, P., op.cit, 92.

72. SCC to SFD, 24 April 1861, FJPr, October 1861, 58.

73. PAR, 1860-61, IPFPr, August 1861, 113.

74. SCC to SFD, 21 July 1859, IPFPr, 30 December 1859, 490; AAR and PAR, 1870-71.

As a first step Wingfield reduced the force by 5,600 men which resulted in a saving of 1.1 million rupees in 1859.⁷⁵ But the relentless pressure from London for economy led to searching enquiries into police expenditure in India. The Government of India realised that it would be very difficult to make the local governments reduce their police on their own initiative. The Police Commission therefore, under the directions of the government, carried out detailed enquiries and recommended limits on police expenditure in the various provinces. It recommended one million rupees as the proper limit for the Oudh Police.⁷⁶ Later, Colonel Bruce, then Inspector General for India, recommended a limit of 950,000 rupees for Oudh.⁷⁷

It is difficult to understand the criteria applied by the commission to the various provinces. The data available must have been generally insufficient, and in some cases, even unreliable. The local officers, with their interest in a strong police force, would not have been cooperative.⁷⁸ In the case of Oudh much of the estimates of population, area and needs was based on guess work. For instance its population was estimated at seven million. It must have been at least fifty per cent more for the census of 1869 returned a figure of 11.22 million.⁷⁹ As a result, the estimates of police needs made by the commission were arbitrary, having the character of shots in the dark. They were, in addition, as Elgin put it, in the nature of an attempt 'to adjust expenditure to income rather than income to expenditure'.⁸⁰ It was like putting the horse before the cart.

Still in spite of the shortcomings of the enquiries of the Commission, the Government stuck to its recommendations with amazing tenacity. No.

75. SCC to SFD, 21 July 1859, IPFFr, 30 December 1859, 490.

76. Police Commission to SHD, 17 January 1862, HFPr, July 1862, 9-12.

77. SHD to CC, 13 January 1870, IPPr, January 1870, 37.

78. Elgin to Wood, 9 August 1862, Elgin Collection.

79. PAR, 1869-70, Appendix D.

80. Elgin to Wood, 9 August 1862, Elgin Collection.

amount of arguments would shake it. In 1870 when the Chief Commissioner referred to the grossly underestimated population taken into consideration by the Police Commission, he was curtly told that 'population cannot alone be taken as the basis of a police estimate'.⁸¹ The Government did not bother to specify what other considerations were taken into account while estimating the police needs of Oudh. Population cannot be the sole criterion for such a purpose, but it certainly is a major one.

The fixation of the limit of the expenditure of the Oudh police led to the second major reduction of the force. Yule, the officiating Chief Commissioner, in his anxiety to please the Government, went out of his way to extol the virtue of a small police force; he thought it would be far easier to find honest and intelligent men for a small force than for a big one.⁸² As a result the strength of the force was reduced to 6,526 men at 1.06 million rupees per year in 1863.⁸³ Strachey further reduced it by 465 men in 1866 at the instance of the government.⁸⁴ The process of reduction was carried further by Lord Mayo. On his arrival in India he thought that the finances of the Government were in a deplorable condition; it had run into a deficit of 2.4 million in 1868-69. He resolved to reduce the expenditure on the police in all the provinces.⁸⁵ He set a limit of 950,000 rupees on the police expenditure of Oudh; the sum was to include about 25,000 rupees, the Government contribution to the cost of the City Police of Lucknow. The police grant till 1870 did not include this sum.⁸⁶ The urgent protests of the Oudh administration were brushed aside.⁸⁷ As a result the police was reduced to just under

81. SHD to CC, 5 March 1870, HPPr, 5 March 1870, 32.

82. SCC to SFD, 11 October 1862, IPPr, August 1863, 42.

83. AAR, 1863-64, 26-27.

84. SCC to SHD, 15 September 1866, IPPr, April 1867, 26.

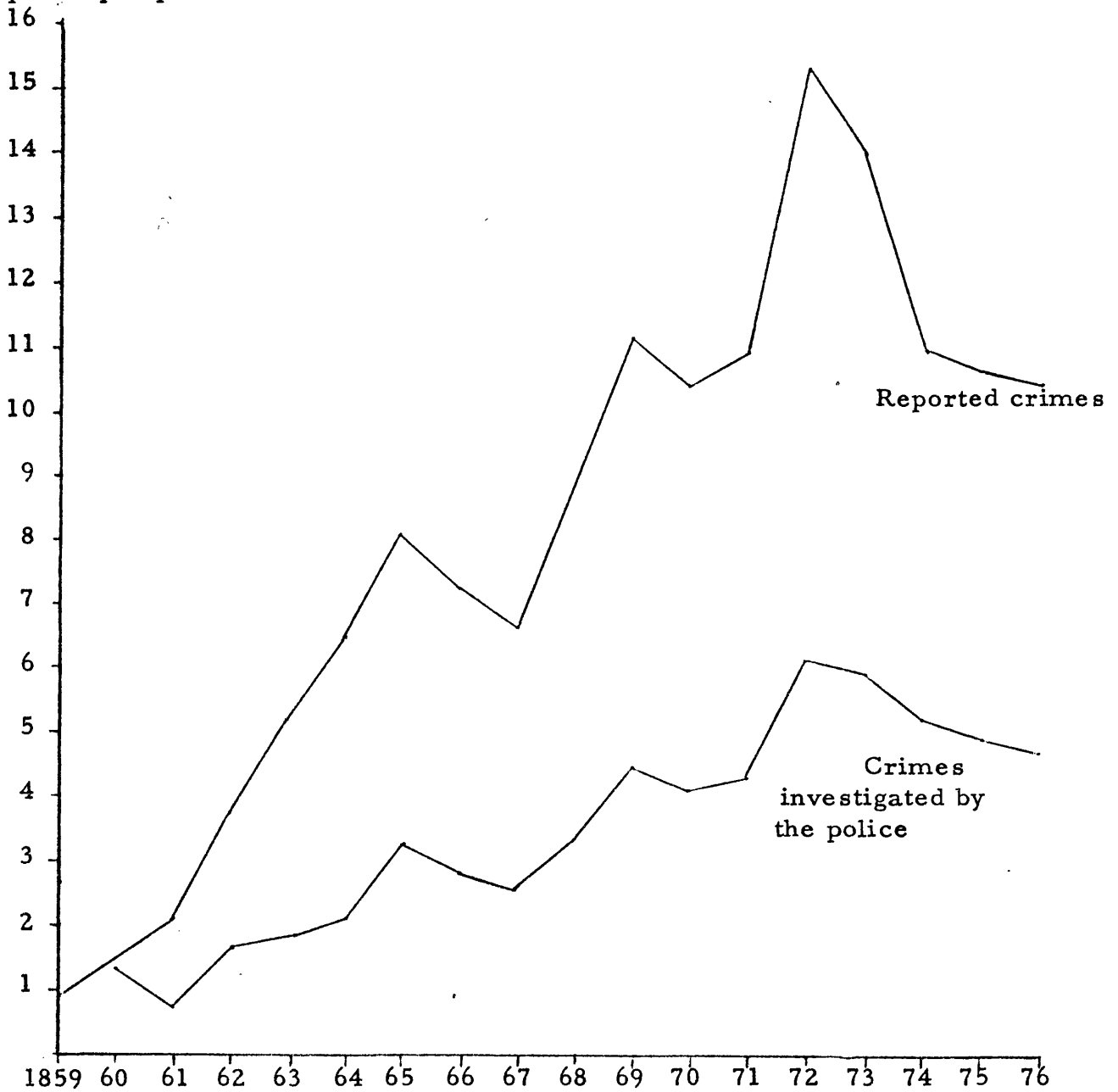
85. Mayo to Argyll, 9 September, 26 September and 29 October 1869, Argyll Papers, 312.

86. SHD to CC, 25 October 1869, IPPr, October 1869, 36; SHD to CC, 5 March 1870, IPPr March 1870, 4.

87. SCC to SHD, 8 February 1870, HPPr, 5 March 1870, 31; SHD to CC, 5 March 1870, HPPr, March 1870, 32.

CHART 4.1.

Proportion of policemen to cognizable crimes, 1859-76—number of cases of reported crime and cases of crime investigated by the police per policeman



5,900 men. Table 6.5 illustrates the extent of reductions from 1859 to 1870 and chart 4.1. illustrates the lowering proportion of policemen in relation to crime.

This almost continuous process of reductions, extending well over a decade, must have been very demoralising to the men composing the force. Officers in Oudh were aware of the uneasiness among policemen. They warned against the danger and urged the government to decide the final level of reduction.⁸⁸ But the reductions continued nevertheless.

Reductions must have told upon police efficiency in another way. Policemen were originally recruited for their martial bearing and qualities. Many of them were unsuited for detective duties.⁸⁹ Later, when the reductions were made with the primary object of economising on expenditure, the criterion was to effect an immediate saving. Consequently, it was directed to retrench those men who were least entitled to a gratuity or pension.⁹⁰ This led to the retention of the men with a greater length of service. Those who had been enlisted more recently, perhaps with an eye upon their suitability for the civil police, were discharged. Moreover, proportionately more men from the Panjab were retained than the local ones, because the former were entitled to a higher rate of gratuity.⁹¹ Thus a very large proportion of ex-military men and strangers to the province were retained in the force. The retrenchment policies, therefore, accentuated the problem of the lack of detective ability of the police. The old martial and foreign element was suffered in the Oudh police much too long for financial reasons.

88. IG to SCC, 10 April 1862, IPPr, February 1863, 26.

89. AAR, 1859-60; JAR, 1860-61, August 1861, 922.

90. Chief of Police to SCC, 13 April 1861, IPFPr, May 1861, 79.

91. SCC to SFD, 26 April 1861, FPPr, May 1861, 78.

The process of reduction carried the force below the efficiency level. It is a recognised fact that a higher per capita strength of police is required for an effective performance of its duties in a densely populated area than in the one which is sparsely populated.⁹² Oudh was one of the most densely populated regions of the world, having a density of 467 persons per square mile. In India it had the highest density of population; the North-Western Provinces came next with a density of 361; the highest density of population in Europe was 400 per square miles in Belgium.⁹³ Yet Oudh had the lowest strength of police per capita as table 4.1 exhibits.

TABLE 4.1.⁹⁴

Proportion of police to area and population in various provinces and in England

	Oudh	NWP	Bengal	Panjab	Madras	Central Provinces	England & Wales
Density of population	467	408	177	181	170	101	344
1 Policeman to number of people	1,786	1,191	1,601	991	984	952	905
1 Policeman to area in sq. miles	3.83	2.91	9.04	5.46	5.76	9.44	2.68

The table shows that with reference to the density of population, the Oudh police was the most undermanned in 1868-69. The situation must have become more acute after the reductions of 1870. Yet these figures do not represent the true state of the force. It had to perform many duties of semi-military and protective nature. Such duties included the guarding of prisons, treasury and other public buildings and property and the escorting of prisoners, treasure and officers. The actual number of policemen employed on general police duties in thanas was much less. Table 4.2 shows the number of policemen available for such duties and their proportion to area and population.

92. Resolution, HD, 23 March 1863, IPPr, August 1863, 52.

93. William, J. C., Report on Census of Oudh, 1869, 105; IG Madras to Chief Secretary, Madras, Appendix A, IPPr, January 1870, 4.

94. The Data for the table are extracted from IG Madras to Chief Secretary, Ibid. Population figure of Oudh and its area were taken from AAR, 1869-70, Appendix D and Table C. The data for England are extracted from PAR, 1863-64, IPPr, August 1864, 10.

TABLE 4.2.⁹⁵

Proportion of police on general duties to area and population in Oudh

	1868	1869	1870	1871	1872	1873	1874	1875	1876
Number of policemen on general duties	3,281	3,124	3,858	4,368	4,085	4,229	4,813	4,999	4,886
1 Policeman to number of people	3,420	3,519	2,908	2,568	2,746	2,653	2,331	2,244	2,296
1 Policeman to area in sq. miles	7.33	7.7	6.24	5.5	5.89	5.69	5.00	4.81	4.92

These calculations demonstrate that the Oudh Police needed more members to perform effectively their functions of prevention, detection and successful prosecution of crime. The Chief Commissioners were able to increase the number of men available for general duties in thanas by reducing the number of men employed in protective duties in the 'seventies. Still 5,000 was too small a number of policemen to successfully cope with well above 60,000 crimes in a prosperous and comparatively quiet year; in years of scarcity and distress the number of crimes would rise steeply, for example to 90,303 in 1872 or to 88,795 in 1877.⁹⁶ Table 4.3. illustrates the low proportion of policemen performing general duties in relation to the incidence of crime and also the number of investigations of crimes.

95. The data for the table are extracted from AARs, 1868-76. The sources for the population and area figures are the same as referred to in footnote 94.

96. Crime returns in PARs 1872-73 and 1877-78.

TABLE 4.3.⁹⁷

Comparative statement of the strength of police and cognizable crimes

Year	No. of police-men on general duties	Total cognizable crimes	No. of crimes per policeman on GD	cognizable crimes investigated by police	No. of cases investigated per policeman GD
1868	3,281	55,043	16.78	20,589	6.28
1869	3,124	66,897	21.41	26,810	8.58
1870	3,858	61,468	15.93	24,177	6.27
1871	4,368	65,237	14.93	25,551	5.85
1872	4,085	90,303	22.11	35,761	8.75
1873	4,229	82,458	19.5	35,114	8.3
1874	4,813	64,349	13.37	30,921	6.42
1875	4,999	62,923	12.59	29,307	5.86
1876	4,886	61,502	12.59	27,904	5.71

The reductions were carried out during a period when there was a startling increase in crime. Cognizable crimes rose from 9,635 in 1859 to the peak of 90,303 in 1872 with an annual growth rate of 18.78 per cent. Only thrice during that period did the crime rate record a fall from the preceding year.⁹⁸ Among all the categories of crime, theft of all types recorded the greatest rise. Their number increased from 5,685 in 1859 to 79,964 in 1872 with a mean growth rate of 22.55 per cent per year.⁹⁹

It was ironic, indeed, that while the police force was unable to stem the tide of such a steep rise in crime, its size was being so drastically reduced.¹⁰⁰ Such a policy suggested that the government was indifferent

97. The data for the table are extracted from AARs and PARs, 1868-76.

98. See table 6.1, chapter 6, *infra*, for the annual incidence of crime.

99. See table 6.19, chapter 6, *infra*, for the annual incidence of all categories of theft.

100. Table 6.5. illustrates the reduction in the number of policemen and the rise in the incidence of crime during the period under study.

to the security of life and property of its subjects; financial considerations and a desire not to alter the existing structure of taxation and government spending was paramount over the primary duty of the government of maintaining law and order.

One of the cardinal features of the new police in Oudh was its total separation from the judicial officers at all levels. This principle, with a strong theoretical bias, was difficult to implement in its integrity. The functions of the police and the magistrate in the field of criminal administration were often intertwined in practice and it was difficult to keep them distinct. As a result, the problem of the appropriate relations of the police with the magistracy and the point at which its control should be united with the executive, plagued the Oudh administration for a long time.

In its earlier phase as a military police, the force was directly responsible to the Chief Commissioner through its own chief. No other civil officer had any say in, or control over, the organisation.¹⁰¹ After its conversion into the civil police, the government decided to keep it entirely separate from the judicial branch. Its members were, however, directed to obey the orders of the district magistrates regarding the prevention and detection of crime. If there was a difference between the two the Commissioner was to be the referee.¹⁰²

Wingfield was not so much obsessed with the idea of the complete separation between the police and the magistracy as Montgomery was.¹⁰³ He consulted Frere, who was then the Commissioner of Sindh. The latter advised him to keep the police separate from the magistracy as he was impressed with the success of this feature in Sindh.¹⁰⁴ However,

101. Compendium of Police Rules, 1-2, IPFPr, 15 July, 1859, 254.

102. Ibid.

103. Campbell, Memoirs of My Indian Career, ii, 65-66.

104. Frere to Bruce, 30 July 1859, Bruce Papers, 43991.

Wingfield watched with growing concern the widening gap between the police and the magistracy. The magistrates shunned all interference with the police in their anxiety not to be considered as the opponents of the new police. The raw and inexperienced police groped its way into detective duties unaided by the experienced district officers, and often failed.¹⁰⁵ To improve the situation, Wingfield abolished the office of Divisional Commandant and declared the Commissioner of Division as the common head of the magistracy and the police.¹⁰⁶ This was the first dent in the complete independence of the police.

There existed an undercurrent of jealousy between two officers of the two departments. Moreover, the police officers often lacked knowledge of the fundamental principles of evidence and procedure. Wingfield therefore initiated a scheme of transfers between the two branches.¹⁰⁷ This useful scheme met the hostility of civilians, who only accepted transfer to the police on the specific promise of their eventual return to the executive line; within a year the scheme fell into disuse.¹⁰⁸ Strachey later proposed a scheme of integrating police officers into the Oudh Commission in 1867. The government summarily rejected the scheme as impractical; perhaps it wished to preserve the exclusive character of the 'heaven born' service.¹⁰⁹

Another useful reform introduced by Wingfield was to confer upon Assistant Superintendents the powers of an Assistant Magistrate, though care was taken that they would not try cases which they had themselves

105. SCC to SFD, 13 June 1860, IPFPr, August 1861, 78.

106. SCC to SFD, 13 July 1859, IPPr, 15 July 1859, 257.

107. SCC to SFD, 13 June 1860, IPFPr, August 1860, 78; SFD to CC, 8 August 1861, IPFPr, August 1861, 79.

108. SCC to SFD, 24 August 1861, IPFPr, September 1861, 478.

109. SCC to SHD, 16 March 1867, IPPr, April 1867, 27; SHD to CC, 23 April 1867, IPPr, April 1867, 28.

investigated. This was designed to give police officers an insight into the judicial procedures and into the nature, value and assessment of evidence.¹¹⁰ Later all the young Assistant Commissioners were assigned the duties of Assistant Superintendent to make them appreciate the difficulties of collecting clues and evidence.¹¹¹ To bring both types of officers into closer cooperation, Superintendents were provided with officers in the court buildings.¹¹²

But these measures only scratched the surface of the problem. During the period of energetic action against rebels and vigorous disarmament of the people the police had developed a great amount of esprit de corps and had acquired a strong tradition of independence. These characteristics were difficult to erase merely by executive orders. Police officers, indeed, were so jealous of their independence that they would never seek advice from the more experienced magistrates.¹¹³ Deputy Commissioners also carefully let the police alone and whenever a difficult case came up they would direct their own subordinates to investigate it.¹¹⁴ They generally were very busy officers with multifarious duties to perform, and, as an intelligent and able Deputy Commissioner remarked, they had little time for punctilio and for writing polite letters to police officers.¹¹⁵ In Sindh Frere found that the district magistrates, who were senior in age and experience, commanded a moral and practical superiority over the police officers; this was proved to be invalid in Oudh.¹¹⁶ Because of the shortage of civilians, caused by death and sickness during the Revolt, most of the Deputy Commissioners in Oudh were young men not greatly senior to police officers.

110. SCC to SHD, 13 June 1860, IPFPr, August 1861, 78.

111. SCC to SHD, 27 March 1865, IPPr, April 1865, 23-24.

112. SCC to SHD, 16 March 1867, 12, IPPr, April 1867, 27.

113. SCC to SFD, 13 June 1860, 12, IPFPr, August 1861, 78.

114. Ibid.; SCC to all CRs, 24 January 1860, IPFPr, April 1860, 150.

115. SCC to SFD, 13 June, 1860, 12, IPFPr, August 1861, 78.

116. Frere to Bruce, 1 June 1858, Bruce Papers, 43991.

Apart from the question of pride on both sides, a lot of prejudice came into play. Campbell was a known enemy of the new police. Three out of the four Commissioners and many Deputy Commissioners were prejudiced against it.¹¹⁷ The Civilians blamed the police for every failure in Criminal administration and complained against its independence.¹¹⁸ The police had a consistent friend only in Major Barrow, a senior Oudh officer, after the departure of Bruce to China in 1859.¹¹⁹

Wingfield was conscious of such a lack of harmony in both the services. After Bruce's departure to China, he decided to override the claims of the Assistant Chief of Police for promotion and brought in a civil officer with a military background to head the police in an effort to make it more acceptable to civilians and to give the police a proper orientation in their role as civil police. He appointed Captain Reid and Major Barrow successively to the office of Chief of Police.¹²⁰ To further ensure full cooperation and harmony, he decided in May 1868, after a conference of senior officers, to put the police superintendents under the authority of the Deputy Commissioners. They would, however, be responsible to the Chief of Police for the internal economy, efficiency and discipline of the force.¹²¹

While Wingfield was maturing his plan to subordinate the police to the Deputy Commissioners, an ominous clash was building up between the police and the civil officers at Lucknow. In fact the situation was ideal for such a development. The two services, though independent of each

117. Minute of JC, undated, IPFPr, April 1860, 149; Minute of Simson and SHD to CC, 20 April 1861, HJC, B, 26 April 1861, 113-115; Montgomery to Bruce, 4 August 1859, Bruce Papers, 43993.

118. AAR, 1860-61, 43.

119. Barrow to Bruce, 23 April 1869, Bruce Papers, 43990.

120. ASCC to SFD, 27 February 1860, IPFPr, 27 March 1860, 469.

121. Chief of Police to SCC, 25 June 1860, IPFPr, December 1860, 613; SCC to SFD, 28 July 1860, IPFPr, December 1860, 612.

other, were both concerned in administering law and order. Their duties often overlapped and the line demarcating their spheres was unfamiliar and obscure to officers unused to the new system. A clash was avoided only because of the keen desire on the part of both to avoid interference with each other's work. But when the highly strung District Superintendent of Police of Lucknow, Captain Chamberlain, was pulled up by the authorities for his indiscretion in disclosing official information to the Oudh Gazette, on a report of P. Carnegy, the Deputy Commissioner, he rashly decided to discredit the district administration by wholeheartedly cooperating with the newspaper in its virulent campaign against the hated income tax.¹²² The newspaper, with a view to discredit the taxation measure, published a highly libellous article about the oppression and corruption of Ram Dayal, the Extra Assistant Commissioner responsible for its collection in the City. The superintendent and his subordinates, under his instructions, assisted the paper enthusiastically by hunting up and investigating stories of the atrocities of the officers in flagrant disobedience of the specific orders of his superiors not to do so. Ram Dayal, without seeking the advice of his superiors, promptly launched a libel suit, the celebrated Lucknow Libel Case, against the paper.¹²³ The case, with its obvious bearings on the most controversial and obnoxious taxation measure of the post-Mutiny period, caused reverberations much beyond the limits of the province. Chamberlain and other European and Indian police officials testified in the court as defence witnesses for the newspaper.¹²⁴ During their deposition three policemen grossly perjured themselves and were tried and convicted for the offence.¹²⁵ Ram Dayal was able to prove his case in spite of the formidable opposition of the police. Captain Chamberlain and the Superintendent of City Police, Lieutenant Scot, were dismissed. The Oudh Administration was rebuked by the Supreme Government for having mismanaged the affair.¹²⁶

122. SCC to SFD, 28 July 1860, IPFPr, December 1860, 612; Chamberlain to Bruce, 15 July 1860, Bruce Papers, 43997.

123. SCC to SFD, 18 July 1860, IPFPr, December 1860, 612; Documents bearing numbers 604-634 of IPFPr, December 1860 give details of this important case.

124. Resolution FD, 27 December 1860, IPFPr, December 1860, 709.

125. Ibid.; ASCC to SFD, 30 October 1860, IPFPr, December 1860, 664.

126. Resolution, FD, 27 December, 1860, IPFPr, December 1860, 709.

The whole episode was very ugly and embarrassed the governments of Oudh and India.¹²⁷ The local population witnessed the strange spectacle of open disloyalty on the part of the police. The people had 'from the first looked on the trial as a contest between the police and the civil authorities', which, indeed, it was.¹²⁸ With the Mutiny still fresh in mind, and observing the amount of police support mustered by Chamberlain, the local administration became apprehensive of the political danger of an armed opposition that some unscrupulous police officers could whip up.¹²⁹

The Lucknow Libel Case did more to damage the case for an independent police than any amount of argument could do. It gave strength to the advocates of a police completely subordinate to the district officers. The Police Commission could not have ignored the consideration of the implications of the case which was heard barely a month before its deliberations. It is not surprising that it recommended that the district officers should control and manage the police in the detection and suppression of crime.¹³⁰ However, the matter was deliberately kept vague in the Police Act of 1861. It was thought wise to confine the Act to general principles. The details of administration were to be worked out by the various local governments.¹³¹ Complete uniformity in police organisation was neither desirable nor practicable in a country as vast and varied as India. As a result the Act provided for a police subject to the 'general control and direction of district magistrates.'¹³²

The Lucknow Libel Case indicated that the powers and duties of both civil and police officers should be clearly defined. Instructions were

127. Canning to Wingfield, 30 July 1860, Canning Papers.

128. SCC to SFD, 18 August 1860, IPFPr, December 1860, 633; CR Lucknow to SCC, 23 June 1860, IPFPr, December 1860, 619.

129. Ibid.; Barrow to Bruce, 21 August 1860, Bruce Papers, 43990.

130. Police Commission to SHD, 8 September 1860, Harirao: op. cit. 134F to 134G.

131. Frere to Wood, 1 October 1860, Wood Collection.

132. Act V of 1861, SCC 4; Gupta, A.: Crime and Police in India, 39.

issued for the purpose in June 1861.¹³³ Though the magistrates welcomed them, the relations between the two did not become smooth and harmonious. Complaints of a want of cooperation between them and of a lack of an active interest in police matters on the part of the magistracy continued to come in.¹³⁴ Occasional complaints were made of excessive interference by civil officers in police matters. Sporadic cases of serious differences of opinion between civil and police officers also occurred.¹³⁵

Wingfield therefore came to the conclusion that the only remedy for such a state of affairs was to bring the police more under the control of the magistrates. Some Commissioners were already clamouring for such a step.¹³⁶ Taking advantage of a query from the government on the subject, he framed a fresh set of rules in 1865 defining precisely the duties of both sets of officers. While maintaining the independence of police officers in matters of internal economy, discipline and organisation, Superintendents were reduced to the position of Assistants of Deputy Commissioners in the police department in all matters relating to security and the welfare of the people. They were to work in close personal communication with district officers, eschewing official correspondence. Deputy Commissioners, in turn, were to treat them as responsible heads of police in the district. In case of difference of opinion, Superintendents were to obey the orders of Deputy Commissioners at once and then refer to Commissioners.¹³⁷ These rules established the effective control of Deputy Commissioners over the police. The independence of the latter was sufficiently eroded by them. As a result the relation between the two became sufficiently smooth.

133. AAR, 1861-62; SCC to JC, 31 July 1862, IFJPr, December 1862, 30.

134. JC to SCC, 28 April 1862, IFJPr, December 1862, 11; IG to SCC, 17 April 1864, IPPr, August 1864, 40; SCC to JC, 31 July 1862, IFJPr, December 1862, 30.

135. IG to SCC, 10 April 1862, 53; AAR, 1861-62, Appendix; JC to SCC, 27 June 1863, IFJPr, February 1866, 81.

136. Ibid.

137. SCC to SHD, 27 March 1865, IPPr, April 1865, 23-24.

John Strachey, who became Chief Commissioner in 1866 was still not satisfied. He was a known and consistent opponent of the new police and had strongly advocated an amendment of Act V of 1861 for the purpose of putting an end to the separate departmental status of the police.¹³⁸ He issued a new set of rules in 1867 which invested the Deputy Commissioners with much greater control extending even over the internal economy and discipline of the police. All promotions and punishments of subordinate police officials were subjected to their concurrence. They were made the channel of correspondence between the Superintendents and the Inspector General even on purely departmental matters such as a report on a missing uniform.¹³⁹

The rules of 1867 violated the fundamental concept of the new police - namely its organisation as an independent department. The Deputy Commissioner of Sultanpur was right in his assessment, even though he was contradicted by his superiors, that the rules relieved the Superintendent of all responsibility.¹⁴⁰ The scrutiny of all police correspondence on departmental matters in offices of the Deputy Commissioners was productive of great delay and inefficiency besides being vexatious. It gave the Deputy Commissioner a vast opportunity for interference which would kill all initiative in the police officers. It is in human nature that when power is given it is sometimes used even needlessly. Such an extreme subordination was conducive neither to their responsibility nor a sense of pride in their work. The new rules stretched the law to the farthest limit, if they did not violate it. Section IV of the Police Act provided only for a 'general control and direction' of the police by Deputy Commissioners while Section VII gave the power of making promotions to the Inspector General.¹⁴¹ Strachey obviously tried to implement by executive orders what the Legislative Council strove to avoid by its Act.

138. Note of A. P. Howell, 5 December 1874, and E. C. Bayley, 7 December 1864, HPC, Part A, January 1875, 24-26 and K. W.

139. IG to SCC, 13 March 1868, IPPr, August 1868, 1; IG to SCC, 23 March 1869, IPPr, August 1869, 5.

140. Ibid.

141. IG to SCC, 12 March 1869, IPPr, August 1869, 5.

The new set of rules issued by Strachey brought into a very sharp focus another anomaly of the situation. The Inspector General had been made the chief of the police force which was to be controlled and managed by its own hierarchy of officers, and he was responsible for its efficient working and discipline. With the gradual erosion of the independence of the force his authority and responsibility progressively diminished. Under the rules of 1865, the police was made responsible to Deputy Commissioners for all matters relating to the prevention and detection of crimes. But all the crime returns were submitted to the Chief Commissioners through the Inspector General. The orders of the Chief Commissioner on them were given to him though he had no responsibility for the detection and suppression of crime.¹⁴² In fact he, an irresponsible officer, broke the chain of responsibility between the chief executive of the province and the Deputy Commissioner. When the rules of 1867 eroded his authority even in purely internal matters of police organisation, his position became still more anomalous. Though the Commissioner wielded real responsibility in the police affairs within his division there was none who did so for the whole police organisation of Oudh. The Inspector General could hardly supervise and control the Deputy Commissioners when many of them drew a higher salary than he did. The Commissioners were above him in official standing and position. In fact the abolition of his office would not have materially affected the working of the department. Such a situation was anomalous indeed. It was inconvenient, and, possibly, injurious to the public service under a hierarchical bureaucratic structure in which every officer was extremely jealous of his position and authority.

The abolition of the office, though it was made almost redundant by the new rules, could not be achieved without an amendment of the Police Act. Moreover, such a step would have raised a cry of opposition both in India and in London. Therefore Strachey, at Reid's suggestion, proposed that the Inspector General should also be a Deputy Secretary to the Chief Commissioner. This proposal was sanctioned and it enhanced his badly

eroded authority. It gave his orders the force of instructions emanating from the Chief Commissioner.¹⁴³ Though it was an ingenious device to prop up the phantom of the Inspector General, the existence of a really separate department of police had come to an end. Whatever responsibility and authority the Inspector General would exercise, it would thenceforth belong to his other self as the Deputy Secretary to the Chief Commissioner.

But the existence of the fiction of a separate department, under a phantom Inspector General, continued to play mischief with the functioning of the police. The Commissioners and Deputy Commissioners did not take as much interest in police matters as in those for which they were directly responsible.¹⁴⁴ Mutual suspicions and prejudices between the police and civil officers occasionally came to the surface.¹⁴⁵

Thus a completely satisfactory relationship between the police and the magistracy remained illusory throughout the period under study. Policy, since the establishment in 1858-59, of a police completely independent of magisterial control continued to change in the direction of the district magistrates. The Police Act was interpreted in different provinces differently in this respect. Particularly in a non-regulation province like Oudh, where the Deputy Commissioner embodied in his person all the powers and functions of the government in his district, such a tendency was more accentuated. The protagonists of the old police were not satisfied even by the rules issued in 1867. A leading opponent of the new Police said, 'The system never was quite satisfactory - subordination to the magistrates was never complete.'¹⁴⁶ Nothing short

143. SCC to SHD, 16 March 1867, IPPr, April 1867, 27; SHD to CC, 23 April 1867, IPPr, April 1867, 28.

144. IG to SCC, 20 March 1867, IPPr, June 1867, 16; IG to SCC, 13 March 1868, IPPr, August 1868, 1; Note of J.C. Plowden, 14 November 1874, A.P. Howell, 5 December 1874 and E.C. Bayley, 7 December 1874, HPC, A, January 1876, 24-26 and K.W.

145. PAR, 1873-74, 230-31; SCC to IG, 18 September 1871, IPPr, January 1872, 63.

146. Campbell: op. cit. ii, 66.

of complete restoration of the pre-Mutiny pattern of the Panjab and Oudh police would have satisfied them.

Some attempts were made to destroy another key feature of the police reforms. It had been decided to maintain a single police organisation to which all the police function were entrusted. Under strong pressure from the authorities in London and Calcutta for a reduction in police expenditure, the Oudh administration tried to create special establishments with a view to pass some police expenditure on to other departments. For instance the Chief Commissioner proposed in 1864 to create an establishment of guards in the Settlement Department for the protection of its officers and property.¹⁴⁷ Similarly, the local administration wanted guards of state distilleries to be paid from excise revenue.¹⁴⁸ The Supreme Government rightly turned down both the requests.¹⁴⁹

A more serious and determined effort to undermine the basic unity of the force was made by John Strachey in 1867. He disliked the military training of the police and the issue of firearms to all the policemen. He proposed to divide the force into two parts, though still under the same officers. The smaller division would discharge the protective duties of guards and escorts. It would be given military training as usual. The remainder would specialise in detecting and preventing crime and would not receive any military training.¹⁵⁰

This proposal would have destroyed the unity of the police though the force would still have been under the same set of officers. This would,

147. Progs. of Finl. D, 20 August 1864, IPPr, August 1864, 59.

148. JSCC to SFinl. D, 25 October 1866, Financial Progs, A, March 1867, 204.

149. Progs. of Finl. D, 20 August 1864, IPPr, August 1864, 59; SFinl D to CC, 30 March 1867, Financial Progs, A, March 1867, 207.

150. SCC to SHD, 16 March 1867, IPPr, April 1867, 28; Report of CR Lucknow, CrJAR, 1867-68, Appendix, IJPr, August 1868, 39.

indeed, amount to a reversion to the old Panjab system of double police. Since Strachey submitted his proposal as part of a plan to reduce the police and since there was a 'Panjabi' in Government House at Calcutta the scheme was sanctioned without a delay.¹⁵¹

The scheme raised strong opposition within Oudh.¹⁵² But Strachey left the province in 1868 and his successor, R.H. Davies, was not so hostile to the new police. Strachey's scheme was, therefore, never implemented and Oudh escaped having once more an untrained and undisciplined rabble working under the guise of detective police.¹⁵³

The Oudh police retained a large military element in its organisation as a legacy of its origin as a military police. On its conversion to a civil police it seemed imperative to shed as much of this military element as possible. With this aim Wingfield in 1859 abolished some offices which were not needed in a civil organisation.¹⁵⁴ He proposed to send back to the army all those officers who were essentially military men with no taste for police work.¹⁵⁵ But in spite of the repeated retrenchments all such men could not be removed. Many of such Indian officials in subordinate positions continued to be on its rolls for more than a decade, though they were thought to be incompetent police officers. They were tolerated in the force, in spite of their inefficiency, for the splendid and faithful services that they had performed during the Revolt. Only in the 'seventies could they be removed by retirement.¹⁵⁶ The European officers, too, were all taken from the army and were new to the police employment. Their gradual replacement with the uncovenanted officers was ordered by the Supreme Government.¹⁵⁷ This however proved to be a lengthy process.

151. SHD to CC, 23 April 1867, IPPr, April 1867, 28.

152. Report of CR Lucknow, CrJAR, 1867-68, IJPr, August 1868, 39.

153. PAR, 1868-69, 441.

154. Ibid.

155. Ibid.

156. PAR, 1872-73, 26 and 114-115.

157. Proceedings of HD, 13 August 1867, IPPr, August 1867, 4.

The police and the army required different qualities and temperament for the proper performance of duties connected with them. Especially the detective branch of police duties needed special talent and skills. It had little use for martial character and bearing; a capacity for patient and painstaking work and mastery of detail were much greater assets for a detective than a blunt, habitual and straightforward obedience to the orders of his superior which would have little scope for the use of individual initiative and discretion to cope with the infinite variations of crime. Moreover the military men were essentially trained and conditioned to deal with enemies and a hostile population while the policemen were to work among, and deal with, their own people. In short the whole training outlook and attitude of the members of the two forces were differently oriented. As a result the police was much handicapped because of its officials' military origins and inexperience of police functions. It took five years before it could attain tolerable efficiency in detective duties.¹⁵⁸ Nearly all the district officers complained loudly about the failure of the police in this most important branch of their duties.¹⁵⁹

With a view to expedite the civil orientation of the police and to conform to the Police Bill, Wingfield adopted new nomenclature for the police officers in Oudh in 1861. For instance the Chief of Police was called the Inspector General and the head of the district police was called District Superintendent.¹⁶⁰

It was, however, decided not to dispense with military drill and discipline altogether. The police continued to be trained on those lines so as to give them superiority over the sturdy and rough population of Oudh. Such a training would enable them to act better in times of civil

158. IG to SCC, 18 May 1865, 172, IPPr, September 1865, 4; IG to SCC, 8 June 1865, IPPr, September 1865, 4.

159. AAR, 1859-60, 1860-61, 1861-62, 1863-4; JAR, 1860-61, IPFPr, August 1861, 322; JAR, 1861-62, IFJPr, December 1862, 11.

160. SCC to SFD, 21 May 1861, IFJPr, October 1861, 60; Bruce to Wingfield, 19 October 1860, Bruce Papers, 44008.

commotion and emergencies.¹⁶¹ Moreover, it was considered that the habits of discipline and implicit obedience of orders would make them more efficient generally, and less oppressive to people.¹⁶² That these anticipations were not realised was a different matter.

The Oudh police continued to retain a military element in a large degree. Charles Wood considered it to be too military.¹⁶³ Campbell complained against it on this score.¹⁶⁴ As late as 1867 Strachey considered it to be over-armed and over-drilled.¹⁶⁵ The criteria originally applied to the recruitment of the military police continued to be largely applied well into the 'seventies.¹⁶⁶ The annual reports on the Police Administration in Oudh clearly show that the police could not overcome the legacy of the circumstances of its creation for a long time and its military orientation distracted it from its more legitimate functions of detection and suppression of crime. Its progress in this field was slow and painful.

Another legacy of the early period of its organisation, which proved difficult to overcome was its composition. It is universally recognised that the police should be constituted from among the local inhabitants of the region. The Police Commission, too, strongly recommended it.¹⁶⁷ As a result of a great distrust for the people of Oudh, more than a half of the military police was recruited in the Panjab.¹⁶⁸ Even after the

161. SCC to SFD, 13 June 1860, IPFPr, August 1861, 7.

162. IG to SCC, 1 May 1863, IPPr, April 1864, 25; PAR, 1872-73, 284.

163. Wood to Canning, 16 September, Wood Collection.

164. JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

165. SCC to SHD, 16 March 1867, IPPr, April 1867, 27.

166. PAR 1871-72, 61.

167. Report of Police Commission, 8 September 1860, 37; Harirao: op. cit. 134H.

168. Return showing the strength of Police, IPFPr, 15 April 1859, 27.

repeated retrenchments the Panjabis retained a substantial number of positions in the Oudh police. The events of 1857-58 continued to influence the thinking of the officers. The Inspector General considered it highly desirable that an Indian police force should be leavened with a few foreigners. As late as 1876 the Inspector General regretted the declining number of the Panjabis in force as it was very difficult to enlist more men from the Panjab at six rupees per month.¹⁶⁹

It might have been necessary in the peculiar circumstances of 1858 to recruit a large number of the Panjabis in the military police which was in character as well as in function more a militia than a police force. But it was quite unnecessary to retain a large proportion of them and thereby to diversify the personnel of a police force which was generally armed with nothing more lethal than truncheons and which was thinly scattered over the countryside. On the other hand, the presence of a large number of the Panjabis in the force was found by experience to be inconvenient because they were strangers in Oudh. They did not know the language, customs and habits of the people. Moreover they often lacked in sympathy for the latter. Care had to be taken not to allow their concentration in any one district as it would adversely affect the efficiency and effectiveness of the police.¹⁷⁰

Efforts were made to correct another imbalance in the composition of the police. Due to a distrust for the 'Pandi' element, the Brahmans and Rajputs, a very large number of low caste men were locally recruited in the military police in 1858.¹⁷¹ The two highest castes accounted for about eighteen per cent of the local population and they formed the most influential social group in the caste ridden and tradition bound society of

169. PAR, 1866-67, 193; SHD to all local Governments, 5 July 1871, IPPr, 8 July 1871, 12; PAR, 1860-61, 36, IPFPr, August 1861, 113.

170. SCC to SFD, 11 July 1860, IPFPr, July 1860, 31; PAR, 1860-61, IPFPr, August 1861, 113; Worsley to Dodd, 11 March 1860, IPFPr, March 1860, 327.

171. PAR, 1860-61, IPFPr, August 1861, 113.

Oudh. A police largely composed of lower caste men would neither be influential nor would it gain the confidence and respect of the people of such a province. They would naturally dislike to be ordered about by a policeman who as an individual would be quite low down in the social scale. Moreover the local Brahmans and Rajputs had a tradition of service in the army and police all over the country. Because of this tradition they had a better understanding of the professional requirements of a policeman than the people of lower castes, who, as a group, had neither the tradition nor the inclination for such services. In fact the people of some lower castes had a disliking for police service.¹⁷² Perhaps the local authorities had this aspect in mind when they asserted, though unscientific and prejudiced it might be, that because of the deliberate exclusion of the Brahmans and Rajputs, 'the police had been deprived of a large element of intelligence'.¹⁷³ This statement also demonstrated that men of the higher castes were emerging from the cloud of suspicion that hung over them after the Revolt. With the return of normalcy in Oudh, the traditional British preference for the higher and 'respectable' castes reasserted itself. Imperial interests demanded that the highest and the most influential social groups in the local society be attached to the government. Wingfield therefore fixed the proportion of the various social groups in the police at 2,000 Brahmans and Rajputs, 3,500 inferior castes, 1,000 Muslims and 2,000 Sikhs and Panjabis. It was directed that fresh recruits be taken only from Brahmans and Rajputs until the correct proportion was obtained.¹⁷⁴ This was achieved by a slow but steady process. By 1870 Brahmans and Rajputs actually exceeded the desired proportion by more than a quarter; they numbered 1,873 out of 6,237 constables. However, among the officers the Sikhs and Muslims continued to predominate. They numbered 236 and 279 respectively out of a total of 874 officers in 1870.¹⁷⁵ Sikh officers benefitted from the recruitment policy of 1858: at the time of their promotion they had the advantage of the greater length of their

172. PAR, 1861-62, Appendix, HPPr, 4 February 1863, 26.

173. AAR, 1860-61, 50.

174. Ibid.; AAR, 1861-62, 39.

175. AAR, 1870-71, 228-29.

service. Muslims rose to higher positions by virtue of their being better educated men.¹⁷⁶

A great handicap under which the police functioned was the illiteracy of most of its officers and men. When the force was raised in 1858, recruits were not chosen with regard to their educational qualifications. Later, when conscious efforts were made to recruit educated men from the village schools, it was discovered that they were not interested in jobs carrying a salary of six rupees per month.¹⁷⁷ The pay of the constables was fixed at the level of the earnings of an unskilled labourer.¹⁷⁸ It was natural that lads with even a small education could get better employment elsewhere than in the police.

Some effort was, however, made to educate policemen while in service. Police schools were opened in each district for this purpose. But the snag in the scheme was that each pupil had to pay one fifth of his pay as a fee. When a grant was solicited to maintain the schools and to relieve the pupils of such a heavy burden, the Chief Commissioner curtly refused to grant the request on the ground that it was the duty of police officers to qualify themselves to fill well-paid situations.¹⁷⁹ It was strange logic, for education would benefit the public service more than the official concerned. It is not surprising that after eighteen years of constant efforts to educate the officers and men of the police force, and to recruit literate men in the force, there were only 911 men of all ranks, or about fifteen per cent of the whole, in 1876, who could read and write.¹⁸⁰

176. PAR, 1866-67, 192-93

177. PAR, 1875-76

178. Report of Police Commission, 8 September 1860, 42, Harirao: op. cit., 134H

179. SCC to IG, 20 July 1863, IPPr, 1864, 25

180. PAR, 1866-67, 188

The illiteracy of the policemen must have led to considerable inefficiency. Often thanas or posts would be under the management of uneducated officers.¹⁸¹ Since they could not take notes of the cases that they investigated, they gave evidence in court by memory and would have proved easy prey to cross examination by defence counsel. Though it was intended to make policemen do all the work of writing reports and other papers in thanas, it was not always possible and clerks had to be appointed. Such clerks were notorious for their misdeeds.¹⁸² Uneducated officers had to rely on their memory to learn all the rules, legal codes, police manuals and circulars as well as the past histories of all the bad characters of their circles. Men with such prodigious memories are always scarce and it was too much to expect a substantial number of policemen to possess them. The police work of Oudh would certainly have suffered on this account.

A great shortcoming of the police administration was the lack of understanding and cooperation between the police and the people of Oudh. The officers often complained of this.¹⁸³ Even the best police could do little good under such conditions. Many officers tried to explain this by ascribing it to the supposed apathetic nature and indifference to social obligations of the people. But such an explanation was an over simplification of the problem. The situation was the outcome of the nature of the British government in Oudh and other parts of India. The police was an agency of a government which was not responsible for its action to anyone in India. The policeman was not a citizen in uniform entrusted by fellow citizens with the onerous duty of maintaining order. The police enforced laws, which were not traditionally familiar to the people, through unfamiliar and complicated procedure. Policemen were

181. JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

182. PAR, 1871-72, 209.

183. Worsley to Dodd, 11 March 1860, IPFPr, May 1860, 327; PAR, 1873-74 168; SCC to IG, 20 July 1863, IPPr, April 1864, 25.

recruited, organised and paid by the government independently of the wishes or control of the people. They became a part of the machinery, howsoever small it might be, that ruled over Oudh. As a result though they did not belong to the ruling class, they rose a distinct step above the mass of the people. The uniform and the badge of a humble constable reminded the common people that he was a Sarkari man, and, as such, was entitled to lord it over them. The consciousness of this fact led to near relatives of the local potentates enrolling in police service. A near relative of Raja Hardeo Baksh of Katiyari was employed in the police. The son-in-law of Man Singh, the husband of his only child and heiress, served in the police as an Inspector.¹⁸⁴

The system functioned by working upon the fear of the people rather than by exciting their trust. Mutual trust and confidence with the local people was not attempted, or in fact, rarely desired by policemen because it would, they thought, adversely affect their image of being a part of the establishment of authority. Such mutual feelings between them were intensified by the experiences of 1858-59. The military police, composed of the same men who later formed the civil police, had then energetically subjugated and disarmed its people. During those operations, excesses and the use of rough methods on the part of the police could not be checked. On the contrary, there is evidence that officers turned a blind eye to such methods, though Canning came down heavily upon the local officers when they came to his notice.¹⁸⁵ Such proceedings gave a high handed and over-bearing tone to policemen and estranged the people from them.¹⁸⁶ The people could scarcely regard them as a trusted protector or local guardian of their life and property. The common people were 'very fearful of the authority of the police' and tried to have as few contacts with them as they possibly could manage.¹⁸⁷ Until the loss was too great, or the insult too biting,

184. IG to SCC, 10 April 1862, HPPr, 4 February 1863, 26.

185. Minute of CC June 1859, IPFPr, 1 July 1859, 217; SFD to CC, 12. July 1859, FPPr, 5 August, 1859, 280.

186. SCC to SFD, 13 June 1860, IFJPr, August 1861, 78.

187. CR Khyrabad to JC, IJPr, 14 August 1865, 9.

even the victims of criminal acts were often reluctant to give any help to the police.¹⁸⁸

Complaints of oppression and tyranny on the part of the police were frequent in Oudh and other parts of India. They often used rough and violent methods to investigate and suppress crime. Even senior European police officers were found guilty of the use of such methods sometimes.¹⁸⁹ Besides physical violence and inquisitorial harrassment, they would sometimes use more subtle but far more dreaded means. Caste rules and taboos, for instance, were effective instruments of harrassment besides having the advantage of being extremely difficult to prove in case of an enquiry by superiors.¹⁹⁰

Many factors contributed to the widespread use of oppressive methods by the police. Their over-bearing and disdainful behaviour, caused by the belief that they were superior to the common man, was added to their ignorance of proper police methods caused by their illiteracy and incomplete training.¹⁹¹ Very few of them realised that courtesy and firmness were compatible attributes. In dealing with a low caste man, a policeman of high caste would not even consider the need for a courteous demeanour.

The inadequate strength of the force led to undermanned police posts. Twelve to sixteen policemen had to look after three to five hundred villages. A large and heavy district like Gonda which had a population of 1,200,000 and which recorded 9,307 crimes against property alone in 1872, had only nine thanadars and eleven head constables.¹⁹²

188. PAR, 1873-74, 180.

189. SFD to CC, 9 July 1860, IPFPr, July 1860, 116.

190. A Gazeteer of the Province of Oudh, i, XXVII.

191. IG to SCC, 1 May 1863, IPPr, April 1864, 25.

192. PAR, 1871-72, 64 and 80; PAR, 1872-73.

Only those officers were expected to investigate crimes. As they were fewer in number and had to deal with an annually increasing crime rate, it is not surprising that the policemen resorted to illegal short cuts in investigations and instead of bona fide police techniques, they often used violent and rough methods to extract information from people.

Sometimes the requirements of the law in force in Oudh led to harrassment by the police. Laws of evidence and procedure were too complicated; they sometimes baffled even the young civilians.¹⁹³ For the illiterate policemen they were a formidable hurdle to surmount. Successful prosecution required elaborate sets of evidence. The policemen often did not scruple about the means to collect them, and to force the witnesses to appear in the district courts. This could often mean a round trip of more than a hundred miles on foot.¹⁹⁴ They simply could not let them off their irksome duty. When the payment of diet money to witnesses was made discretionary with the magistrates in 1873, the irksome duty of witnesses would become an intolerable burden in many cases.¹⁹⁵

Some rules designed to minimise police interference, necessitated harshness on their part. Under the provisions of the Penal Code, the police was not to take cognizance of cases of simple hurt. But many a heinous crime had its origin in insults directed by one man at another attended with a minor scuffle in a public place. Such violence was classed as simple hurt until it resulted in a fractured bone. But they might later lead to more serious crimes. The policemen, who were responsible for maintaining peace, would be forced to adopt unorthodox measures to coerce the offenders in such cases to make amends.

193. JC to all CRs, 17 June 1861, IFJPr, December 1861, 11, Appendix I.

194. IG to SCC, 1 May 1863, 117, IPPr, April 1864, 25; Civil Divisions in Oudh, AAR, 1869-70, Table C; See Chapter 5, infra.

195. SHD to CC, 15 December 1873, IJPr, December 1873, 21; SCC to JC, 2 June 1874, CrJAR, 1873-74.

This was one of the reasons for making simple hurt a cognizable offence in 1873.¹⁹⁶

The statistical returns were the greatest terror to the police officers.¹⁹⁷ Their efficiency, or otherwise, was assessed on the basis of those returns. In the early 'sixties, the Chief Commissioner deliberately ignored the proportion of convictions obtained by the police in order not to press the new police too hard.¹⁹⁸ This wise policy was later given up. As a result the police officers tried to keep up their statistical record as best as they could by fair means or foul. They would, for instance, not take up, if possible, theft cases with no prospect of detection.¹⁹⁹ Many of them did not refrain from using oppressive means to make their returns look good.

The police had to face the problem of keeping local bullies and bad characters under check. Of course such men could be tried for vagrancy and bad living. But such charges would necessarily be vague and magistrates demanded a substantial amount of evidence about the actual dangers of keeping them at large. The police tended to resent the magistrates' scruples as unhelpful.²⁰⁰ Knowing therefore the difficulties of prosecution, a liberal use of a harsh tongue, supported sometimes by a harsher cane, was an easier alternative. Surveillance kept over the released prisoners often amounted to harrassment and inquisitorial visits to villages.²⁰¹

Even some senior officers considered rough methods to be more effective detective techniques, though they were determined to root them out. Wingfield fully agreed with Campbell when he wrote, 'It is

196. PAR, 1874-75.

197. IG to SCC, 13 March 1868, IPPr, August 1868, 1.

198. IG to SCC, 10 April 1862, IPPr, February 1863, 26.

199. SCC to IG, 20 July 1863, 21, IPPr, April 1864, 25; IG to SCC, 23 March 1869, 141-47, IPPr, August 1869, 5.

200. IG to SCC, 23 March 1869, 67, IPPr, August 1869, 5.

201. IG to SCC, 23 March 1869, 562, IPPr, August 1869, 5; PAR 1869-70, 415; PAR, 1871-72, 194; PAR, 1872-73, 249-50.

useless to expect that we are all at once to obtain incompatible advantages; that we are to enforce a scrupulous nicety as to means and at the same time to obtain the desired end'.²⁰² It is not surprising if the subordinate officers not only believed in the 'incompatibility', but would willingly sacrifice good means to produce the results expected of them.

Corruption, even more than oppression, in the police was a difficult problem for the administration to tackle.²⁰³ With such extensive contacts and dealings with the mass of illiterate people, who had little idea of their legal rights and who had a dread for the police, the law courts and the complicated legal system, the opportunities for illegal exactions and gratifications were abundant. Although the problem of corruption beset other branches of the public service also it was qualitatively more pernicious in the police department. 'While a police officer took money under threats of arrests, searches and legal proceedings, the others got money for providing a benefit or facility.'²⁰⁴

Perhaps the greatest inducement to corrupt practices for policemen was the very low pay. The Government of India as well as the Police Commission of 1860 recommended that the pay of a police constable should be on a par with the earnings of unskilled labour in the region.²⁰⁵ Such a norm in itself, apart from other considerations, was illogical and unsatisfactory. The work of a policeman is a highly skilled and professional one. At the time of recruitment a man may be raw and in great need of employment. But after acquiring the necessary skills, it

202. JC to SCC, 28 April 1862, IFJPr, December 1862, 11; AAR, 1862-63, 63.

203. Note on Tucker's case, IPFPr, April 1860, 351; IG to SCC, 1 May 1863, IPPr, April 1864, 25; Da Costa to Kinnaid, 2 May 1873 and 24 June 1873, Northbrook Collection, 21.

204. Report of Lumsden Police Committee of The Panjab, 1927, quoted in Razvi: Our Police Heritage, 193.

205. Memorandum accompanying Resolution, HD, 17 August 1860 and Propositions of the Police Commission, 8 September 1860, Harirao, op. cit., 122 and 134H.

would always grieve him to find that his income was the same as that of a labourer of the lowest order. Moreover unskilled labourers usually worked in, or in the vicinity of, their normal places of residence. They enjoyed the comfort and economy of living with their families in familiar surroundings. On the other hand the policemen, who were as a rule not posted in their home districts, often served in the remotest parts of the province. They were often separated from their families. They would, in addition, need to adopt a higher standard of living than unskilled labourers which would be commensurate with their high standing in the estimation of the public. Six rupees per month was certainly very poor pay for a constable; in fact it was low enough to be disdained by lads from village schools.²⁰⁶

The functions of the Head and Chief Constables, Deputy Inspectors and Inspectors were far more responsible. The main detective work was to be done by them.²⁰⁷ The Police Commission, rather pompously, declared that they should be given enough pay to 'place them above temptation.'²⁰⁸ Whatever be the intention of the Commission, the salary structure of the subordinate police officers was certainly not liberal enough to keep them 'above temptation'. The monthly pay of the Head Constable ranged from twelve to fourteen rupees and that of the Chief Constable from thirty to fifty rupees. Deputy Inspectors received sixty-five rupees while the Inspectors' pay was from one to two hundred rupees.²⁰⁹ Chief Constables and Deputy Inspectors were employed as thanadars or station house officers.

206. SCC to SHD, 11 October 1862, 12, IPPr, August 1863, 42; PAR, 1875-76.

207. SCC to SHD, 11 October 1862, 12, IPPr, August 1863, 42.

208. Report of the Police Commission, 8 September 1860, Harirao, op. cit., 134 H.

209. SCC to SHD, 11 October 1862, IPPr, August 1863, 42.

What was worse, the policemen did not actually get the full amount of pay attached to their offices. Their pay was subject to deductions for various purposes such as superannuation and clothing.²¹⁰ They were unhappy with these deductions and regarded them as an 'indirect and not very creditable way' in which the government reduced its obligations.²¹¹

Perhaps the worst aspect of the whole system of remunerating the police was the fact that responsible officers from Governors General downwards were conscious of the inadequacy of their pay and its ill effects on their morale and integrity. The Court of Directors, in 1858, had considered low pay as one of the glaring evils of the Indian police.²¹²

The Chief Commissioner of Oudh realised the evil of the inadequate pay allowed to policemen even before the military police was raised.²¹³

Northbrook wrote almost despairingly of a 'police who, in the main, must be the natives of India on low salaries.'²¹⁴ Some members of the

Supreme Council, such as Frere, were aware of the evils of the 'miserable pay' given to policemen.²¹⁵ Still, strangely enough, none

was prepared to raise the pay structure of the police to any significant extent. It needed drastic upward revision; a token or marginal

adjustment here and there would prove of no avail. But financial considerations were considered paramount over everything else by

the occupants of the ivory towers of the Calcutta Secretariat. On a rare occasion when some proposals for the betterment of pay for

certain grades of policemen was agreed upon in 1868, a financial

squeeze a few months later led to the eventual abandonment of the scheme.²¹⁶

210. JC to SCC, 13 June 1863, IFJPr, February 1864, 81; Resolution, HD, 26 January 1864, IPPr, February 1864, 28.

211. Report of CR Lucknow, JC to SCC, 13 June 1863, IFJPr, February 1864, 81.

212. Montgomery Report on Administration, IPFPr, 27 May 1859, 366A.

213. SCC to SFD, 21 June 1858, IPFPr, September 1858, 182.

214. Northbrook to Kinnaird, 23 June 1873 and 25 August 1873, Northbrook Collection.

215. Frere to Bruce, undated, Bruce Papers, 44010.

216. Dy SCC to SHD, 1 November 1869, IPPr, January 1870, 7.

In this background it is significant that Wingfield strongly protested against the imposition of income tax on the Taluqdars who were among the richest people in the province.²¹⁷

The difficulties in the way of proper and effective supervision over policemen facilitated corruption among them. The number of superintending European officers was drastically reduced over the years. The number of Assistant Superintendents was reduced from nine to six in 1860. They were further reduced till none remained in 1870.²¹⁸ The District Superintendents were so much overburdened by paper work that they often remained tied to their desks at the district headquarters.²¹⁹ Three Inspectors were assigned to each district of whom one was put on court and other administrative duties at head quarters. The remaining two inspected various posts and tried to stem the malpractices of policemen. They occasionally succeeded in unearthing gross cases of corruption.²²⁰ But it was beyond the capacity of two Inspectors to keep a watchful eye on the activities of the police in the vast and sprawling areas constituting the districts of Oudh.

Promotion policies and prospects in the force were not conducive to an efficient working. The avenues of promotion for policemen were scarce and offered no inducement to honest and good work. After the final reduction in 1870 the sanctioned strength of subordinate police officials included 36 Inspectors, 72 Deputy Inspectors, 121 Chief Constables, 736 Head Constables ordinary, 12 Head Constables mounted, 4,758 ordinary constables and 140 mounted constables.²²¹

217. Wingfield to Canning, 4 June 1860 and Canning to Wingfield, 26 May 1860, Canning Papers.

218. SCC to SFD, 30 October 1859, IPFPr, 30 December 1859, 500; DySCC to SHD, 1 November 1869, IPPr, January 1870, 37.

219. PAR, 1872-73, 69.

220. IG to SCC, 17 August 1863, IPPr, August 1864, 40; IG to SCC, 3 March 1868, 75, IPPr, August 1868, 1; PAR, 1872-73, 69.

221. PAR, 1870-71; Chand, Administration of Oudh, 102, footnote.

Up to 1870 promotions were necessarily very limited because of the continuous process of reduction in the force. Except for a few direct nominations of Inspectors, all the positions above constables were filled by promotions. Thus on average an ordinary constable had a 15.47 per cent and a mounted constable had a 8.57 per cent chance of promotion to the next higher position. Both the types of head constables taken together had only 16.81 per cent chances of advancement by one step. Only 2.47 per cent of all types of constables could hope to become Chief Constable, and thus, become entitled to hold an independent charge of a thana. The chance of advancement of a constable by three steps was so slim that none but the very best and meritorious among them could ever aspire for it. A vast majority of them would retire after spending a whole career as a constable or, at best, after advancing only one step in the hierarchy. Nothing could be more disheartening and demoralising. Moreover, since all the positions above constable were filled by promotion, most of the subordinate officers continued in corrupt practices learnt during a very long service as constables on a miserable pay of six or seven rupees per month.

The government tried as far as possible, short of improving the pay structure, to check corruption. European officers and Inspectors tried to minimise its incidence.²²² The police was deprived of all judicial functions to minimise the opportunities for corrupt practices. All the relatives of the subordinate officials in judicial establishments were weaned from the police in order to check corrupt liaison between them.²²³ Since a separate cadre of clerks in police posts was found to be especially corrupt, it was decided that only policemen would be employed for all clerical work.²²⁴ But all such measures only scratched the surface of the problem.

222. IG to SCC, 17 April 1863, IPPr, August 1864, 40.

223. SCC to SHD, 10 April 1862, AAR, 1861-62, Appendix.

224. SCC to SHD, 1 May 1863, 242, IPPr, April 1864, 25; JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

The working of the police was much handicapped by its distribution. The number of thanas was deliberately kept low to facilitate supervision and as a measure of economy.²²⁵ There were 102 thanas in the province.²²⁶ Thus on average each thana had to look after 236 square miles and about 110,000 persons. Often the distance between the outlying villages and the police posts was so great that it discouraged the reporting of crime and its proper investigation.²²⁷ Some of the thana circles were so unwieldy that it was impossible to manage them efficiently. One such was Lalganj in Rae Bareilly district; it had 335 villages, some of which were twenty two miles away from the post and it had a river frontage on the Ganga of thirty three miles.²²⁸

Thanas and their chaukis or outposts were undermanned. They had generally twelve to sixteen constables each.²²⁹ Often the call on police would be so heavy that none would be left at the station houses.²³⁰ Men had to alternate between guard and escort duties without a day's break or rest.²³¹ It was bound to tell upon their efficiency.

In spite of being almost overwhelmed by its normal work, the police was often burdened by duties which did not properly belong to it. Because of its location in the interior and the nature of its work, every nook and corner of the province was within its easy reach. As a result, work of all sorts requiring an extensive network of manpower was entrusted to it.

225. SCC to SHD, 11 October 1862, IPPr, August 1863, 42.

226. JSCC to SHD, 23 November 1870, HJC, A, December 1870, 32-34.

227. PAR, NWP, 1877-78, 29.

228. PAR, 1872-73, 106.

229. PAR, 1871-72, 64.

230. IG to SCC, 1 May 1863, IPPr, April 1864, 25.

231. PAR, 1873-74, 203.

For instance, the police was directed to prepare mortuary returns.²³² Sanitary work and the supervision of conservancy was made a part of its functions.²³³ It had to serve processes issued by the courts.²³⁴ In Faizabad district alone it had to serve 10,131 processes in 1872. This averaged 2.52 for each thana, each day of the year. The work might require a round trip to the remotest village in the circle. This would naturally distract the police from its legitimate duties.²³⁵

The failure of the police was most pronounced in checking crime against property.²³⁶ All kinds of theft and burglary increased tremendously over the years. Reports of such crimes rose from 5,685 in 1859 to 79,964 in 1872. It was an increase of over fourteen times in as many years and the average yearly increase was 22.55 per cent. Only thrice in that period was there a fall in thefts and burglaries.²³⁷

One of the principal reasons for this failure was that the police did not automatically investigate all such crimes. Up to 1865 it investigated thefts of property below fifty rupees in value only if the victims requested it to do so.²³⁸ The police officials would, in their anxiety to improve their returns, induce the victims not to desire investigations if the chances of success were slim.²³⁹ To remedy this, the Chief Commissioner directed the police to investigate all thefts whose victims went personally to the police posts to report the crime.²⁴⁰ This order

232. Note of Sanitary CR, 12 December 1874, Home Sanitary Cons., A, April 1875, 33.

233. PAR, 1872-73, 140 and 256-58.

234. PAR, 1875-76.

235. PAR, 1872-73, 69.

236. SCC to IG, 6 May 1868, IPPr, August 1868, 1; PAR, 1872-73.

237. The data for calculations are extracted from PARs and AARs, 1859 to 1876.

238. SCC to IG, 20 July 1863, IPPr, April 1864, 25.

239. SCC to IG, 16 April 1867, IPPr, 20 February 1867, 16.

240. Ibid.

did not materially alter the proportion of investigations to report. Therefore, the police was ordered in 1873 to investigate all cases of theft of property above ten rupees in value.²⁴¹ This order also did not materially improve the situation. The proportion of investigations, after rising in 1874, returned to the earlier level. The yearly average percentage of cases investigated between 1861 and 1876 was 33.09. Only twice in all those years, in 1861 and 1874, was the annual percentage above 40. The failure of police can be demonstrated more fully when it is considered that it could successfully prosecute very low proportion of cases of all kinds of theft in courts. The average yearly proportion of such cases convicted by the magistrates to all the cases reported between 1862 and 1876 was 11.5 per cent. The proportion did not vary much over the years; the standard deviation was only 1.89. It went above 12 only thrice during the period.²⁴² It was hardly surprising that there was such a tremendous rise in the incidence of the petty crimes against property when two-thirds of the cases would never be investigated and in 88.5 per cent of the cases no punishment would follow.

It was natural that failure of such a magnitude in dealing effectively with a crime so widely prevalent caused a great sense of insecurity among the people.²⁴³ The police often asserted in self defence that a vast majority of thefts were of goods of trifling value - five rupees or less. But in a province where the ordinary monthly earnings of the mass of the people did not exceed that amount, the loss of goods even of trifling value would be great for the victim. Odd pots and pans and a few rags of clothing might be all the moveable property held by the sufferer. The anxiety to keep them safe would be as keen as that felt by better off people for more valuable goods. This naturally caused

241. SCC to IG, 4 January 1873, IPPr, June 1873, 21.

242. The data for calculations in the para are extracted from AARs and PARs 1859-76.

243. IG to SCC, 23 March 1869, IPPr, August 1869, 5.

the people to lose confidence in the ability of the police in dealing with crime.²⁴⁴

Though the police failed to check the petty crimes their success in checking the violent and heinous crimes, for which the kingdom of Oudh had been notorious, was remarkable. The average annual number of dacoities recorded by the Residents in their official diaries from 1848 to 1854 was 147.28. These entries did not, however, show the full extent of the crimes because of the defective and corrupt agency of news-writers who reported crime from the interior. During the period under study, the average annual number of dacoities fell to 24.4. Gang dacoities of the earlier days were completely rooted out from the province. During the same period before the annexation the average annual number of people murdered was 628.4 and average of the people reported to be 'killed and wounded' was 650.7. Between 1861 and 1876 on average 180 cases of crimes involving the loss of life were recorded each year.²⁴⁵ A violent crime, which was very frequent in Oudh, was rioting. Its incidence sharply increased from 78 in 1861 to the peak of 495 in 1871. But later the vigorous action of the police to contain this type of crime bore fruit and led to its progressive fall until only 283 cases occurred in 1876.²⁴⁶ The evil practice of Sati was rooted out from the province by the energetic and timely action of the police and the magistracy. But perhaps the most significant success of the police was in the field of the prevention and suppression of female infanticide among the Rajputs of Oudh. It was achieved without measures which had to be adopted in other provinces.²⁴⁷

244. IG to SCC, 13 March 1868, IPPr, August 1868, 1; IG to SCC, 20 February 1867, IPPr, June 1867, 16; PAR, 1871-72, 63; PAR, 1873-74, 203.

245. General Abstract of Crime, 1848-54, IPFPr, 23 December 1855, 317 Appendix E; Crime Statistics contained in AARs and PARs, 1861-76.

246. Ibid.

247. AARs 1863 to 1872, PARs 1867-76.

The Oudh police, with its military background, succeeded in performing its protective duties well. Despite the large number of mutineers, who returned to their homes in the province, with no pension to support them and only land, or their wits, to fall back on for their sustenance, no outbreak of violence or threat to peace occurred. Violent crimes remained in check in spite of gloomy forecasts to the contrary.²⁴⁸ Its performance of guard and escort duties was equally good. In fact its efficiency in this respect enabled the Chief Commissioners to reduce policemen on those duties and to release a larger number of men for general duties in thanas and outposts.²⁴⁹

The inadequate strength of the regular police made it necessary for it to lean heavily on the support and cooperation of landholders and the rural police maintained by them. All the landholders were entrusted with some responsibilities of prevention and suppression of crimes in their villages as an express condition of the restoration of their estates and also of cooperating in the detection and apprehension of criminals.²⁵⁰ These obligations were, to say the least, vague and undefined, except, perhaps, the reporting of crimes. Montgomery's proposal to entrust them with more varied and specific duties in this respect was negated by Canning.²⁵¹ The enforcement of the discharge of such vague responsibilities was very difficult. The degree of fulfillment of these obligations varied from individual to individual and their relations with the local police officials. When Wingfield attempted to define the duties of the landholders, he had to admit in 1864, that they could not be accused of the lack of vigilance and care if they appointed Chaukidars in sufficient numbers, howsoever numerous the crime against property might be in their villages.²⁵²

248.SCC to SFD, 13 June 1860, IPFPr, August 1861, 78.

249.AARs, 1871-76.

250.SFD to CC, 23 October 1858, IPFPr, 5 November 1858, 185.

251.Ibid.; SCC to SFD, 21 June 1858, IPFPr, 5 November 1858, 182-83.

252.SCC to all CRs, 5 April 1864, IPPr, May 1864, 15.

For some time after the reoccupation of the province, the landholders exerted themselves greatly to fulfill their responsibilities and the officers were full of praise for them.²⁵³ The novelty of the experiment of the new police and their gratitude for the restoration of their property must have led to their exertions. They might also have been overawed by the sternness and the determination of British officers to restore order in Oudh. But soon their enthusiasm began to flag, and complaints of their apathy and indifference became common. Police work was distasteful to them. The police, most of whom were strangers to the province and were raw and inexperienced in detective duties, made unreasonable demands on them.²⁵⁴ In the case of the big Taluqdars it was all the more difficult to enforce their responsibilities as they had influence over the senior officers and were pampered by the authorities. Wingfield always exonerated them of bad faith.²⁵⁵ Consequently, the enforcement of the obligations of landholders fell into progressive disuse in spite of the repeated admonitions of Chief Commissioners, until they became only nominal.²⁵⁶

In fact, such a development is not altogether surprising. Before the annexation of the province, the landholders exercised large police powers in the absence of any regular police organisation maintained by the state. Most of the powerful ones among them enjoyed a great degree of practical autonomy in their estates. Police functions formed a part of their feudal privileges and they jealously guarded them. Such privileges disappeared under the British rule, and their extensive police functions were taken over by the regular police. Quite naturally they very soon lost their sense of responsibility for the detection and suppression of crime. Moreover, under the British administration,

253. PAR, 1860-61, IPFPr, August 1861, 113; SCC to SFD, 11 September 1860, FPC, Part B, September 1860, 8, IG to SCC, 10 April, 1862, AAR, 1861-62, Appendix.

254. JC to SCC, 17 June 1863, IFJPr, February 1864, 81; SCC to JC, July 1864, IJPr, October 1864, 39.

255. SCC to all CRs, 5 April 1864, IPPr, May 1864, 5.

256. SCC to IG, 17 July 1873, PAR, 1872-73; IG to SCC, 31 March 1870, 434, IPPr, September 1870; PAR, 1872-73.

their notions of police methods might lead them in trouble with the law, as some of them soon realised to their grief.²⁵⁷ As a result, within a decade a senior officer had to admit, 'the idea of enforcing the landlords' responsibility is not now a practical one'.²⁵⁸

The landholders were to fulfill their obligations through the agency of the village police. The rural police in the form of Chaukidars or watchmen was a very old institution in large parts of India. They formed an integral part of rural society and were maintained by the people. They used to be hereditary village servants and in Oudh most of them were Pasis, a low caste, distributed all over the province. They were paid either in land assignments or in grain contributions from each household or, most often, by both methods. Their duties were mainly of watch and ward.²⁵⁹

The British officers were aware of their usefulness and were keen to preserve the institution as much as they could.²⁶⁰ The Police Commission went beyond its terms of reference and devoted one report to them. It strongly recommended that they be retained as an essential adjunct of the police system.²⁶¹ In Oudh too, the institution attracted the admiring attention of various officers. Campbell repeatedly warned against the tendency to 'over govern' the country by too much interference with the indigenous institutions like the village and municipal police.²⁶² They were enthusiastically hailed by many officers as the 'natural police' of the country because they lived in the villages of their employment and were part and parcel of the local community.²⁶³

257. SCC to SHD, 27 January 1864, IFJPr, March 1864, 30.

258. IG to SCC, 31 March 1870, 434, IPPr, September 1870, 3.

259. Montgomery Administration Report, 288 and 322, IPFPr, 27 May 1859, 366A.

260. AAR, 1859-60, 64; AAR, 1861-62, 35.

261. Report of Police Commission, Harirao, Indian Police Act, 135-42.

262. JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

263. IG to SCC, 10 April 1862, AAR, 1861-62, Appendix; SCC to IG, 22. September 1862, IPPr, February 1863, 27.

As such they could be, if properly handled, the eyes and ears of the government in every village. Some officers were quick to recognise the substantial financial advantage of having a large force of about 30,000 Chaukidars distributed over the whole province at the rate of at least one in each village.²⁶⁴ 'If we allow', the Chief Commissioner emphasised, 'the old system to remain, then the villages and their secrets are at our disposal'.²⁶⁵ The Chaukidars had the additional advantage of being an effective link between the police and the landholders. They could be the most effective agency at the disposal of the landholders for the discharge of their police functions. But the government was alive to the need of protecting the Chaukidars against the possibility that the landholders might attempt to shirk their own responsibility. It was, therefore, ruled that the primary responsibility for reporting crime and helping in its detection rested with the landholders and that the supposed negligence of the Chaukidars could not be used as an excuse by any landholder.²⁶⁶

After the reoccupation of Oudh, the supervision of the Chaukidars was entrusted to the Chief of Police in an effort to place the management of all types of police in his hands.²⁶⁷ It was also discovered that the Chaukidars were disorganised and were generally unpaid.²⁶⁸ Montgomery reintroduced the system which was enforced in the province after the annexation. They were to be paid by the district police officers from a fund created by the collection of six per cent of the land revenue from the landholders.²⁶⁹ During the course of 1859 the views of Wingfield inclined more and more in favour of the landholders. He advocated the restoration to the landed gentry as great a share as was consistent with the duties of the government, in the management of the country.

264. Minute of CC, 17 February 1862, AAR, 1861-62, Appendix O; SCC to IG, 22 September 1862, IPPr, February 1863, 17; Police Commission Report, 10 September 1860, Harirao, op.cit. 136.

265. SCC to IG, 22 September 1862, IPPr, February 1863, 27.

266. Montgomery Report on Administration, 288, IPFPr, 17 May 1859, 366A.

267. Compendium of Rules for Police, IPFPr, 15 July 1857, 254.

268. Memorandum of Captain Hawes, 24 January 1859, Hutchinson Papers.

269. Compendium of Rules for Police, IPFPr, 15 July 1857, 25.

The payment of the Chaukidars by government agencies was inconsistent with his ideas in as much as it would give them the status of government servants. This would bring them out of the full subordination to the owners of the soil. He therefore decided, after consulting other officers, to revert to the old system prevalent before the annexation in Oudh. By orders issued between December 1859 and the following May, he directed the adoption of the old system. The Chaukidari cess was discontinued except for one half per cent as reward for good services. The Chaukidars were to be paid, appointed and punished by the landholders.²⁷⁰ The mode of payment was to be either cash or rent-free land assignments in addition the customary perquisites allowed to Chaukidars.²⁷¹

The decision to restore the traditional system, though unexceptionable in theory, raised a host of practical difficulties and led to a near breakdown of the system of rural police in the province. The system and circumstances of government in Oudh had considerably changed after the annexation. Before 1856 the villages were much freer from government interference. The responsibility of protecting and policing the villages was laid squarely on the owners, who were left alone in most of their activities by the government. No government in Oudh before 1856, was vital enough, or willing, to reach down to the level of the villages. The Chaukidar had no other master nor had he any obligation to anyone other than the village proprietary. He was generally paid by land assignments and willing contributions by villagers. The Chaukidars were the only people invested with the sole and regular police functions of detection and watch and ward. All this underwent a considerable change in 1856 when the British government was established in Oudh. The new administration, through its elaborate revenue and police agencies, basically altered the polity of the province.

270. Minute of CC, 17 February 1862, AAR, 1861-62, Appendix O.

271. Ibid.

The maintenance and enforcement of law and order in every village became the first responsibility of the government which was powerful enough to fulfill its obligations. The primary responsibility of doing so was assumed by district officers and a regular police. The landed proprietary and the rural police together formed in the new structure, at best, an adjunct or secondary agency in the general police system. The responsibility of the Chaukidars also became divided. Under the new rules, though they were paid by the village proprietary - and thus ate their 'salt' - they were made answerable to the police for reporting crime and assisting in detecting and suppressing it. In the performance of such new duties they were necessarily distracted from some of their traditional duties of watch and ward.²⁷² Such neglect varied in proportion to the distance between the village and the police post. The new legal system led to the discontinuance of many old obligations such as the reimbursement of the value of stolen property by the Chaukidars in case they failed to detect the thieves.²⁷³ These changes in circumstances were inevitably productive of conflict and antagonism between the village communities and their employees.²⁷⁴ The former resented making provision for the latter under the new rules. A system of divided responsibility is rarely successful even when a close supervision is practicable. It was extremely difficult to work in the case of Chaukidars scattered far and wide in about 24,000 villages of the province. They were soon neglecting their duties. While they paid less attention to their customary services in the villages, they confined their police duties to the

272. JC to SCC, 22 May 1866, 143-44, IPPr, November 1866, 17A.

273. Minute of CC, 17 February 1862, 6-7 AAR, 1861-62, Appendix O; SCC to IG, 20 July 1863, IPPr, April 1864, 25.

274. Ibid.; AAR, 1861-62, 33.

mere reporting of crime.²⁷⁵ It was impractical for the new government to work an institution which had its origin and roots in a feudal system. The only remedy was to make the Chaukidars, at least in effect, if not avowedly so, government servants, primarily responsible to the local officers by paying them directly through the official agencies as was done in the North-Western Provinces. The Oudh administration carried too far and for too long their romantic attachment to the traditional ideas about the responsibilities of the landed proprietary and rural police. The evils of this became glaringly apparent when the province was amalgamated with the North-Western Provinces in 1877 with the juxtaposition of the two systems under one administration. The Oudh system by then had acquired the respectability of usage and touched upon so many important questions, such as the land system, that its modification became a slow process.²⁷⁶

The new directions for paying the Chaukidars through rent-free land assignments raised many practical difficulties. The very idea of paying important services, such as those of the Chaukidars, in such a way was an anacronism in an era when the money economy was rapidly replacing the old one in the villages of Oudh under the strong stimulus provided by the efforts of British government

275. PAR, 1875-76; AAR of NWP, 1877-78, 27-29.

276. AAR of NWP, 1877-78, 27-29; SNWP to IG, 11 October 1878, PAR of NWP, 1877-78.

to quickly open up the country and to expand its commerce. Its insistence on the prompt payment of land revenue in cash on pain of severe penalties expedited the extensive use of money as a medium of exchange. It ought to have been obvious to Wingfield that the payment of the Chaukidars by land assignments was bound to generate tensions.

Agriculture even under ideal conditions is full time work for the greater part of each year. Some of its operations, such as sowing, irrigation and harvesting at proper times demanded priority over all other engagements. They would certainly interfere with the Chaukidar's work. Unless they had other adult members in their families to look after agricultural operations, when they had to go to thanas for reporting or for some other work, they could not have combined their duties with agriculture. Subletting their plots of land would bring in low returns and thus would inadequately remunerate them.²⁷⁷

277.IG to SCC, 31 March 1870, PAR, 1869-70, 420-32.

Another disadvantage of land assignment was that in times of drought and other natural calamities, the Chaukidars would have little or no remuneration because of the failure of crops. There were four such times during the period under study - in 1864-66, 1869-70, 1871-72 and 1877-78. Such periods were invariably marked by great spurts in crime.²⁷⁸ The Chaukidars would consequently have to put in much more work than the normal years. But they obtained less remuneration than usual because of the failure of their crops. Any arrangement which led to such a contingency was basically unsound.

A great difficulty in land assignments was that the soil could be of such a bewildering variety of qualities that it would be impossible to satisfy either side. There were a large number of complaints from Chaukidars that they were assigned inadequate land of the worst quality.²⁷⁹ The landholders often resorted to every possible trickery to cheat the Chaukidars. Sometimes they were given land in patches, long distances apart.²⁸⁰ Of course the government tried to ensure the assignment of a fair amount of land to them. Wingfield ordered that each be given five bighas or about three and a half acres of fair land. If the proprietors failed to do so the officers were instructed to levy on them a cess of six per cent of land revenue to pay the Chaukidars.²⁸¹ These directions were implemented by the district officers with excessive zeal and less discretion. Their action caused great confusion and hostility between the proprietors and the Chaukidars. The latter, being thus patronised by the local officers, assumed greater independence of behaviour. Yule, who acted as Wingfield's locum tenens during his furlough, tried to correct the situation by going to the other extreme. He totally prohibited the

278.AAR, 1864-65, 1869-70, 1872-73 and PAR of NWP, 1877-78.

279.Minute of CC, 17 February 1862, AAR, 1861-62, Appendix O.

280.PAR, 1875-76, 98 and 122.

281.Minute of CC, 17 February 1862, AAR, 1861-62, Appendix O.

officers from any interference in the disputes between the proprietors and the Chaukidars. Both were to be left free to sort out their differences as best as they could like any other set of employers and employees.²⁸² Yule seemed to have conveniently overlooked the fact that the Chaukidars were not merely the servants of the landholders. His instructions amounted to an indifference towards the lot of a class of employees from whom his administration exacted the performance of duties of a public character.

Yule's instructions inevitably led to severe discontentment among the Chaukidars and the great increase in thefts in 1862 was ascribed to it.²⁸³ Wingfield, on his return, had to intervene to save the institution from total disruption. He ordered officers to ensure the assignment of land sufficient to yield a monthly income of four rupees. If a proprietor failed to do so a cess would be levied and cash paid to the Chaukidars.²⁸⁴ Even then the situation did not improve much and complaints continued to pour in. The worst paymasters were generally from among the Taluqdars; Man Singh was one of the worst.²⁸⁵ It seems that in large estates, where the management was often left in hands of agents, there was less concern for the welfare of villages and the Chaukidars. In an increasing number of cases over the years cash payment was resorted to. In Faizabad, where the complaints were most numerous, the services of the Settlement Officers were commandeered for the allotment of land to the Chaukidars.²⁸⁶ The situation improved in the 'seventies. Still, in 1876, 2,819 Chaukidars, or nearly nine percent, complained against the inadequacy of their remuneration.²⁸⁷

282. Ibid.

283. AAR, 1862-63, 50; JC to SCC, 17 June 1863, IFJPr, February 1864, 81

284. SCC to all CRs, 5 April 1864, IPPr, May 1864, 5.

285. Settlement Report of Rae Bareilly, 1864, FPC, Revenue A, February 1866, 1-17; PAR, 1870-71, 153.

286. PAR, 1870-71, 148-57; SCC to SHD, 10 January 1872, IPPr, January 1872, 100.

287. PAR, 1876-77, 180.

The disputes regarding pay naturally generated hostility and suspicion between the landholders and Chaukidars.²⁸⁸ This struck at the very root of the system of rural police which the government tried to establish in Oudh. Yule's instructions had placed the Chaukidars completely at the mercy of the landholders. They dared not complain against their masters. Only when the Chief Commissioner, in 1865, directed that the concurrence of the district officers be requisite before their dismissal, could their true condition be assessed.²⁸⁹

Even when the Chaukidars received adequate land or pay in cash their remuneration was very low even judged by the generally low standards of pay allowed to Indian policemen at that time. The normally targetted income for Chaukidars was three rupees per month besides the customary contributions from villagers.²⁹⁰ With the rapid increase in crime their duties of reporting it and aiding in its detection increased and they could devote less time to their traditional services to the village communities. This led increasingly to the greater reluctance on the part of villagers to give them the usual contributions.²⁹¹ The targetted pay of three rupees was rarely paid even when cash payment was resorted to. Often six per cent. of the revenue of many villages would not amount to thirty six rupees.²⁹² Generally, the actual remuneration amounted to twenty four rupees per year.²⁹³ The Superintendent of Sitapur found, in 1870, many Chaukidars whose annual income did not exceed ten rupees.²⁹⁴ It was hardly a matter of surprise that the rural police was so disorganised and discontented and the police failed so utterly in stemming the rising tide of crimes against property. An efficient rural police could have been especially invaluable in checking such crimes. Most of the Chaukidars in Oudh

288. PAR, 1870-71, 148.

289. JC to SCC, 22 May 1866, IJPr, November 1866, 17A; PAR, 1865-66, 200.

290. PAR, 1870-71, 154-158; AAR, 1870-71, 217.

291. Minute of CC, 17 February, 1862, AAR, 1861-62, Appendix O; JC to SCC, 22 May 1866, IJPr, November 1866, 17A.

292. IG to SCC, 20 February 1867, IPPr, June 1867, 16; PAR, 1869-70, 420.

293. AAR, 1869-70, 474; Settlement Report of Rae Bareilly, 1864, FPC, Revenue A, February 1866, 1-17.

294. IG to SCC, 31 March 1870, IPPr, September 1870, 3.

were Pasis who proportionately produced the highest number of thieves.²⁹⁵ Discontentment over pay might lead them to connive at, or even aid in, the criminal activities of their brethren.²⁹⁶ It was noticed that in areas like the Lucknow division where they were the most contented, crimes against property were much less.²⁹⁷ They were the highest in the Faizabad division which had the most discontented rural police.

The regular police was very dissatisfied with the decision to put the Chaukidars under the control of the landholders. Police authorities continuously campaigned to recover control over them in spite of the caustic comments of Chief Commissioners.²⁹⁸ Their anxiety is quite understandable. The huge force of more than 32,000 Chaukidars located in every village was peculiarly useful to the police. As the police force was progressively reduced their dependence on the rural police to cope with the growing number of crimes increased. The fact that the Chaukidars were the village servants distracted them from devoting their whole time to assist the police. The dissatisfaction of the Chaukidars over their remuneration affected the discharge of their police functions. It was for this reason, and also to gain their good will, that the police officers were the loudest in advocating good wages for them.²⁹⁹

When the police authorities failed to secure full control over the Chaukidars, they tried to get a better hold over them by appointment of inspectors or jamadars of Chaukidars. Though the first proposal to this effect was made in 1863, the Chief Commissioner only approved it in 1867, after he had been repeatedly pressed for the sanction.³⁰⁰

295.SCC to IG, 6 May 1868, IPPr, August 1868, 1.

296.IG to SCC, 20 February 1867, IPPr, June 1867, 16; IG to SCC, 13. March 1868, IPPr, August 1868, 1.

297.IG to SCC, 18 May 1865, IPPr, September 1865, 4.

298.SCC to IG, 8 June 1865, IPPr, September 1865, 40; SCC to IG, 14 April 1867, IPPr, June 1867, 16.

299.IG to SCC, 12 March 1869, IPPr, August 1869, 5; PAR, 1870-71.

300.IG to SCC, 1 May 1863, IPPr, April 1864, 25; SCC to IG, 16 April 1867, IPPr, June 1867, 16.

He was not sure of the usefulness of the jamadars. Perhaps financial consideration too might have caused some hesitation. Each jamadar had a circle of about twenty villages to supervise in addition to work as a Chaukidar of his own village. He was given a small annual pay of ten rupees in addition to the remuneration which he received as the Chaukidar of his own village. The innovation worked well and was spoken of highly by most of the police officers.³⁰¹

The rural police was a useful institution though its full potential could not be exploited in Oudh because of the failure of officers to realise the needs of altered circumstances after the annexation. Their policies led to confusion and general dissatisfaction among all parties concerned - Chaukidars, landholders and the regular police. Such a situation could not be conducive to a smooth and efficient functioning of the police system in Oudh.

For watch and ward and other municipal duties a town police was raised in five cantonments and forty two towns and important markets of Oudh.³⁰² It was paid from local funds created by local taxation. Its management and control was vested in the regular police officers.³⁰³ Its pay structure was kept lower than the regular police officers. For instance a constable of town police was paid five rupees per month.³⁰⁴ Naturally its pay was very low and barely sufficed for the sustenance of men.

Though the town and cantonment police was considered to be a municipal institution, the local people had no say in its recruitment organisation and management.³⁰⁵ The police officers forgetting its real nature and purpose, at once became busy in organising it as if

301. PAR, 1873-74, 106; PAR, 1874-75, 202-204.

302. AAR, 1860-61, 54.

303. Montgomery Report on Administration, 287, IPFPr, 27 May 1859, 366A.

304. AAR, 1865-66, 52.

305. IG to SCC, 13 March 1868, IPPr, August 1868, 1.

it was part and parcel of the regular police. The recruitment of its men was made without any consideration for the views of the local people. They were drilled and disciplined like the men of the regular police. The Inspector General considered that often they were organised as a subsidiary police force.³⁰⁶ Sometimes regular thanas were established to be manned by them. The town policemen were at times even transferred from place to place.³⁰⁷

Such practices destroyed the character of the local police as town police. A town police is not raised for the detection and suppression of crime. Its duties mainly included watch and ward, conservancy and other such services. Its employment on duties appertaining to the regular police often led to neglect of its duty of watch and ward in some towns. Some influential residents of Sitapur, for instance, with official blessings, had to devise a fresh contribution, levied on people without their express consent for employing a set of Chaukidars for watch and ward.³⁰⁸

This state of affairs was not unexpected or surprising. All the Superintendents of police were military officers with no training or experience of police. They did not have clear idea of the character and functions of various types of police.³⁰⁹ For them, it appears, any set of men bearing the name of police was to be thoroughly drilled disciplined and organised on the pattern with which they were familiar. Even some senior civil officers seemed to be confused about the real character of the town police. Moreover, many civil officers who had

306. JC to SCC, 25 January 1861, IPPr, May 1861, 180.

307. Ibid.

308. CR Khairabad to SCC, 25 January 1861, IPFPr, May 1861, 183; SP Sitapur to Chief of Police, 21 February 1860, IPFPr, May 1861, 187.

309. SCC to SFD, 13 June 1860, IPFPr, August 1861, 78.

had more experience , might have kept aloof in the early 'sixties in their anxiety not to interfere with police affairs. The police officers, being troubled by the shortages of men due to the heavy reductions, must have found the town police handy for augmenting their deficient force. For instance, the thana at Sitapur, which was manned by the town police, supplied the want of a police post in the adjoining town of Khairabad.³¹⁰

Whatever be the reason for such a use of the town police, it destroyed its character and usefulness. The fact that its men were raised, drilled, controlled and paid by the police officers, made them, for all practical purposes, government servants, and almost the members of regular police force. The only difference was that the town policemen were paid less salary than their counterparts in the regular force. As such they were, the Inspector General conceded, hungrier, and therefore, more open to temptation.³¹¹ They were equally overbearing in their behaviour. As a senior police officer commented, the town policeman was 'perfectly indifferent as to what the town people think of him, and in place of fearing their bad opinion, is rather feared by them.'³¹²

Campbell did not like the altered character of the town police. He campaigned for preserving the 'little germ of self-government' in the shape of town police, as a means to educate the people in self-reliance. For attaining this aim he advocated that it should be placed under the management of the residents of the towns.³¹³ But this aim, commendable though it was, could not have been attained then for the simple reason that there was no representative municipal organisation at that time to undertake the management of the town police. As it was paid, controlled

310.SP Sitapur to Chief of Police, 21 February 1860, IPFPr, May 1861, 187; SCC to JC, 16 February 1861, IPFPr, May 1861, 182.

311.PAR, 1875-76, 74.

312.IG to SCC, 13 March 1868, IPPr, August 1868, 1.

313.JC to SCC, 25 January 1861, IPPr, May 1861, 180; JC to SCC 3 May 1861, 29, IPFPr, August 1861, 322; JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

and managed by officials, who at that time looked after the municipal affairs, it was bound to acquire, in the ordinary course of events, more or less of an official character, and as such they would be much less amenable to local influence.

The City of Lucknow had its own separate city police. But it was quite different in character than the town police of the other towns. It was organised in March 1858 under the direction of Campbell.³¹⁴ It was wholly paid out of the local funds. Later in the same year its control was transferred to the Chief of Police. Its organisation was based on the pattern of the London police.³¹⁵ Like its prototype it was developed as an independent organisation, entirely separate from the regular police though both were answerable to and under the control of a common Chief. It had its own Superintendent and an establishment of subordinate officers. It was to perform all the functions of the regular police in addition to the usual duties of a municipal police.³¹⁶

This concentration of all functions in its hands had the unfortunate effect of distorting the view of its members about their duties. They considered their functions relating to the detection and suppression of crime as more important and honorable than the usual duties of the town police such as watch and ward, the enforcement of conservancy rules and keeping the roads unobstructed. They considered such latter duties as irksome, a nuisance and 'certainly below the notice of a crack constable.'³¹⁷

314. Campbell: Memoirs of My Indian Career, ii, 24.

315. Montgomery Report on Administration, 287, IPFPr, 27 May 1859, 366A.

316. Compendium of Rules for Police, IPFPr, 5 July 1859, 256.

317. JC to SCC, 17 June 1863, IFJPr, February 1864, 81; JC to SCC; 2 April 1862, 53, IFJPr, December 1862, 11.

The problem of the source of its finance raised a controversy in 1862-63 when Yule represented to the government that a part of its expenditure be financed from imperial funds because it performed the function of the regular police as well. He, with good reason, argued that the detection and suppression of crime was the responsibility of the government and therefore it should pay for it.³¹⁸ Colonel Bruce, who was then the Inspector General of Police of India, responsible for the supervision of the reorganisation of police in various provinces, opposed the proposal. He thought that the expenditure on police was very high in areas with a high density of population. Therefore, in his view, those who chose to live in cities should pay for their protection.³¹⁹ Bruce's logic is difficult to understand. He overlooked the fact that the cities generated much more wealth through commerce and industry; without them the cities would not grow and sustain themselves. The government exacted its own share of the wealth of cities by way of taxation, both direct and indirect. It was in the interest of government, and its bounden duty too, to protect the life and property of the urban people.

Bruce carried his argument still further. He said that the duties of arresting criminals and the suppressing crimes in India historically belonged to the village police which was an 'ancient institution' of the country. Since it was paid by the village communities, he argued, the government could not be considered to be responsible for a considerable proportion of the work of the suppression of crime.³²⁰ Bruce was obviously committing the fallacy of ignoring the conditions and circumstances of the government in two different periods. He was advocating that the government should have the best of the two vastly different systems - the feudal or medieval and the modern - and to

318. SCC to SHD, 11 October 1862, IPPr, August 1863, 42.

319. Bruce to SHD, 29 November 1862, IPPr, 20 August 1863, 48.

320. Ibid.

foresake its responsibility. It appears that the logic of his argument was that the interests of the government and its subjects were different, if not mutually conflicting, and that the revenue was a charge on the people irrespective of the government's duty of enforcing the law and maintaining order. Obviously it was an extreme and distorted view of imperial interests which, he assumed, favoured the exploitation of the subjects without assuming its bona fide duties. Moreover, Bruce's view of local institutions was based upon his observation of the condition of the country in the period immediately before the annexation. From all accounts that period cannot be represented as having the traditional institutions in their best state because of the decades of misrule following the downfall of the Mughal empire. Any conclusion based upon it was bound to lead to the type of error which Bruce committed while opposing Yule's proposal about the finances of the City Police of Lucknow.

The government was convinced of the validity of Yule's argument. It therefore directed that one-third of the cost of the Lucknow police be disbursed from imperial funds. It was considered that it would be sufficient to cover the cost of the detection and suppression of crime in the city.³²¹

In common with other towns, the police organisation of the city originated as, and remained, a purely official organisation but for the source of two-thirds of its finances. The citizens had no say in it. The municipal committee had very few non-official members and was dominated by senior officers. Some effort, however, was made to keep in touch with the views of the people. In each ward of the city an important and influential resident would be selected to act as the medium of communication with the police.³²² But such men had no say in the

321. Resolution, HD, 23 March 1863, IPFPr, August 1863, 52.

322. AAR, 1859-60, 69.

organisation of the force. Therefore, the policemen had no inducement to care for the opinion of the people. There were many complaints against their behaviour. The Chief Commissioner himself conceded their abuses in connection with their work relating to the collection of octroi duty.³²³

The new police system was established in Oudh with high expectations and a determination to provide a clean and efficient agency of maintaining law and order in the province. Its early promise led to the adoption of its cardinal features in the Police Act V of 1861 on the recommendation of the Police Commission. But the expectations of the government remained unfulfilled to a large extent. Although the police began as a well-drilled and disciplined body, its members were not given any systematic and organised training in police methods. The illiteracy of most of them prevented their taking advantage of whatever means were available of bettering themselves professionally. Added to this basic shortcoming was the over work caused by the inadequate strength to which the force was reduced. Although the local administration tried their utmost to induce the police to adopt clean and valid methods of investigation, and although they never failed to punish any violation of their orders in this respect, circumstances and the temptation to do otherwise were such that police officials often ignored the exhortations of the government and used questionable methods of investigation. 'It is absurd', an officer conceded, 'to suppose that a constable can perform his duties as the rules of the force require him to do'.³²⁴ As a result, the Oudh police gradually relapsed into the well known abuses of the old police. The Oudh officers were aware of its defects and were suspicious of them.³²⁵ The Government of the North-Western Provinces, after assuming the administration of Oudh, had to admit the failure of the Oudh police in the prevention and detection of crime.³²⁶

323. Strachey to Lawrence, 15 January 1867, John Lawrence Collection.

324. PAR, 1873-74, 328.

325. IG to SCC, 13 March 1868, 22, IPPr, August 1868, 1.

326. AAR of NWP, 1877-78, 19.

CHAPTER 5

Administration of Criminal Justice, 1859-77

The complexities of the laws and judicial procedure as well as the corruption prevalent among the lower grades of the judicial establishment in the British territories were widely recognised as contributory factor behind the Revolt of 1857-58. Even in Oudh during the short spell of British rule before the outbreak, the judicial system had already evoked the detestation of the people.¹ In fact many people in Oudh who had connections or property in the neighbouring provinces were aware of the principal defects of the British judicial system even before the annexation.² Canning, who too was conscious of the complicated, vexatious, and expensive nature of the system, determined to reform some of its glaring defects and to make it more accessible to the people. Oudh, as a newly acquired territory, was an ideal province in which to initiate the changes. The government pushed through the preparation and enactment of the great codes of law in order to end the confusion caused by the numerous, and often conflicting, regulations accumulated over a period of more than six decades. The codes put all the provinces, both regulation and non-regulation, under one set of definitive laws. The course of these changes and the functioning of the system of criminal justice in Oudh until its amalgamation with the North-Western Provinces in 1877 will be traced and analysed in the present chapter.

The events of 1857-58 had tremendously raised the prestige of the Panjab system of non-regulation administration. That province

1. SOS to Government of India, 24 April 1860, 33, EI (Oude) Papers, HC, 12 July 1861, 426.
2. Reeves, P. D., Sleeman in Oudh, 227-28.
3. Canning to Vernon Smith, 24 September 1857, Canning Papers.

remained tolerably quiet and firm in its loyalty when the neighbouring provinces were ablaze with disaffection. After the reoccupation of Oudh in 1858, it was decided that its administration should continue with the comparative simplicity and flexibility of the non-regulation system. Outram was its eloquent advocate. He considered 'the regulation law and men' to be totally unsuitable for Oudh. He was convinced that the 'trained lawyers', so much prated about by 'the Calcutta democrats' would be a curse at the head of districts in Oudh.⁴ The Government of India fully concurred with his views and directed the re-establishment of the Panjab system in Oudh.⁵

Montgomery, a 'Panjabi' himself, was so suspicious of the system prevalent in the North-Western Provinces, that he had some misgivings about the suitability of Charles Wingfield as his successor because the latter had always served in a regulation province except for a short period in Oudh before the Revolt.⁶ In fact the Government of India had become so convinced of the suitability of the non-regulation system in the Indian situation that it toyed for some time with the idea of extending it even to the regulation provinces.⁷ However as normalcy returned to North India and as the crisis of confidence waned, it was found to be impracticable.

In fact the drive in favour of the non-regulation system was to some extent caused by a lack of understanding. Often it was thought to signify, perhaps because of the term non-regulation, a personal rule unhampered by law, as distinct from the rule of law. Often it

4. Memorandum of Outram enclosed with SCC to SFD, 29 January 1858, FPC, 5 November 1858, 192.

5. SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

6. Montgomery to Canning, 28 October 1859, Canning Papers.

7. Actually Canning offered the post of Lieutenant Governor of the North-Western Provinces to John Lawrence in order to assimilate its administration to the Panjab model. Sir John, however, refused the offer. Vide Canning to Vernon Smith, 24 September 1857, Canning Papers.

was considered to represent 'personal government by individual force of character and personal sympathy and acquaintance with the peculiar feelings and circumstances of the people!'⁸ The Deputy Commissioner was supposed to preside over his district as patriarch; he would be it seemed above the law, or, at least, the law would be what he made of it. Even such an able officer as George Campbell, the Judicial Commissioner, considered himself to be a law giver to a certain extent under the system.⁹

Under such a conception the system could at times be open to abuse. It concentrated a vast amount of power fortified with a wide discretion in the hands of comparatively young and inexperienced magistrates.¹⁰ The Oudh Commission, as it was composed after the reoccupation, consisted mostly of officers without much experience.¹¹ Campbell complained of officers who invented crimes to suit their convenience in spite of clear instructions to the contrary and a comprehensive list of offences that had been circulated. Such a practice by some irresponsible officers might amount to oppression. Campbell cited the example of some peasants being prosecuted and punished for resistance of process because they prevented the officer's camels from grazing their fields.¹²

The non-regulation system did not mean the absence of law or even a device to bypass it.¹³ It simply meant the rule of a different kind of law: a law which would be simple, straightforward and more

8. Minute of Fitzjames Stephen on Administration of Justice in British India, 9, forwarded to SOS, 3 February 1872, IJPr March 1872, 170.

9. Campbell: Memoirs of My Indian Career, i, 184 and ii, 84; JC to SCC, 28 April 1862, 121, IFJPr, December 1862, ii, Appendix I.

10. Memorandum of Robert Cust, 24 January 1867, John Lawrence Collection, 39.

11. See Chapter 3, supra.

12. JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

13. JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

responsive to the needs of a people used to autocratic rule. The wide discretion allowed to officers did not mean the negation of law. The difference between the two systems was, indeed, between two kinds of laws and not between governments with and without law.¹⁴

Campbell, immediately after the reoccupation, began to reorganise the judicial machinery in Oudh. He issued detailed circulars classifying offences and prescribing their punishments. He prepared rules of procedure and evidence. He based his instructions on drafts of the Penal and Criminal Procedure Codes which were in the process of preparation and enactment. This resulted in a smoother transition when the Codes were finally extended to Oudh than was the case in other provinces.¹⁵

Meanwhile the government expedited a series of Acts, including the Indian Penal Code, the Criminal Procedure Code and the Police Act.¹⁶ They codified and simplified the existing law. Their operation was extended to the whole of British India in the course of a few years. It was a splendid achievement and many jurists considered some of the new laws as better than those in force in contemporary Britain.¹⁷ That they were still too technical and complicated for the illiterate and simple mass of the people of Oudh was another matter.

14. Stephen minute, op.cit., 9.

15. JC to SCC, 28 April 1862, IFJPr, December, 1862, 11.

16. Other important Acts of this nature passed during the period included the Civil Procedure Code, the Indian Succession Act and the Indian Limitation Act.

17. Stephen Minute, op.cit., 45.

The simplification of the law was the chief reason for the abandonment of any idea of extending the non-regulation system to the older provinces. In fact extension of the Codes to Oudh and other similar provinces ended the non-regulation system there. They deprived the system of its substance, namely the elastic and flexible laws; its form in the shape of the concentration of all the functions of the government in the hands of Deputy Commissioners, was kept in force for a long time after it had outlived its usefulness.

The Penal Code was introduced in Oudh on 1 January 1862. On the same day the Criminal Procedure Code was informally extended to the province pending the formal and final decision of the Government of India.¹⁸ The Codes introduced a definitive body of criminal law into Oudh. Still there remained some confusion with regard to the laws in force in Oudh.

Three categories of laws were prevalent in the province. First, there was the corpus of executive orders issued from time to time up to 1861 by the Supreme Government with regard to the principles and practices of the government in Oudh. Such orders were invested with the force of law by section 25 of the Indian Councils Act of 1861. They could not be altered except by a legislative enactment.¹⁹ Secondly, there were the enactments of the Government of India which were wholly or partially extended to Oudh. Lastly, there was the Panjab Civil Code, adapted to and modified by the customs and usages of the province. The variety of these orders and laws created great confusion in all the branches of the judicial administration.²⁰

18. JC to SCC, 28 April 1862, 6-10, IFJPr, December 1862, 11.

19. SFD to CC, 4 September 1862, IFJPr, October, 1862, 14.

20. AAR, 1872-73, 102.

A. Hobhouse, the Law Member of the Supreme Council, told the Legislative Council at Calcutta that in a case from Oudh, their Lordships of the Privy Council were at a loss to find what law bearing on the case was in force in Oudh.²¹ The situation was, however, corrected by the Oudh Laws Act, Act XVIII of 1876, which declared and defined all the laws applicable in Oudh.²²

After the introduction of the Codes the demand grew in Oudh for separating the judiciary from the executive. The concentration of the two in the hands of the same set of officers had outlived its utility. Campbell recommended it just after the introduction of the Codes in 1862 in the interests of the smooth working of the judicial machinery unencumbered by executive functions.²³ About a decade later, Fitzjames Stephen advocated the measure in his famous minute on the judicial administration of India. He, however, advocated the retention of the administration of criminal justice in the hands of the executive officers. 'The exercise of criminal jurisdiction is', he argued, 'both in theory and in fact the most distinctive and easily and generally recognized mark of sovereign power'. He considered that the denial of this power would lead to a breakdown in the authority of the district officers.²⁴ Even such a limited separation of the judiciary was unpalatable to the paternalist element among the authorities. The Panjab school, understandably, was the most vociferous against it.²⁵ Moreover the measure would lead to an increased expenditure. The Supreme Government was financially too embarrassed after the suppression of the revolt to have sanctioned any additional outlay of money. The scheme was, therefore, put in cold storage for the time being.

21. Chand: The Administration of Oudh, 1858-77, 82.

22. AAR, 1876-77, 16.

23. JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

24. Stephen Minute, op.cit., 40-42.

25. Montgomery to Northbrook, 9 January 1873, Northbrook Collection.

The non-regulation form of administration had many shortcomings. It had the tendency to overwork the officers. They could hardly devote sufficient time and attention to their judicial duties. The administrative needs of a new province often drew out officers into the interior and away from their court rooms.²⁶ It was very difficult to keep to any routine. No fixed day, or time of the day, could be earmarked for judicial work with any amount of certainty.²⁷ This might cause great inconvenience to the parties and witnesses who had walked long distances to the headquarters of the districts only to find that the magistrate was busy elsewhere.²⁸

The simplicity and informality of judicial procedure, which had characterised the administration of justice in the halcyon days of the Panjab system under the Lawrence brothers, had come to an end with the introduction of the Codes, especially the Criminal Procedure Code. In fact the non-regulation system was tailor-made for the needs of a new province which had been used to a personal and autocratic rule. But its utility in the long run was doubtful. The Panjab system might have been a tremendous advance on anything that the people of Oudh had known before the annexation but it would hardly have satisfied their needs once they had become used to a settled government. The fixed and inflexible laws and procedure, leaving hardly any discretion to the magistrates, that were introduced in Oudh in 1862, would have effectively barred even a Nicholson, an Edwardes or a MacLeod from acting in the way which made their reputation.

26. JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

27. Forsyth to SGP, 14 May 1868, IJPr, March 1872, 169.

28. JC to SCC, 28 April 1862, 6-10, IFJPr, December 1862, 11.

Stephen pointed out a more serious defect of the non-regulation form of administration. As he indicated, judicial duties had a theoretical bias and had to be performed with a strict adherence to law and established procedure. On the other hand, an executive officer had to keep an eye on practical cases rather than on general rules in order to be a successful administrator. The two types of duty required different types of officer to perform them. The discharge of the both by the same officer would, therefore, be affected by his nature and aptitude.²⁹

Another drawback of the system of entrusting all types of work to the same officers was that the judicial work was by nature more exact and more open to scrutiny than executive work. Judgements were subject to review by the appellate courts. Judicial returns indicated with fair accuracy the amount and quality of work disposed of. Executive work was not susceptible of such minute scrutiny. A young officer with an eye to rapid promotion would not neglect his judicial work, even if at the expense of his executive duties.³⁰

The concentration of all the functions in the hands of the same officers led to divided responsibility. They were responsible for judicial work to the Judicial Commissioner; for all other business they were under the Chief Commissioner. This often led to difficulties. Campbell complained that it was impossible to exact a full measure of discipline and work because of the absence of unity of control.³¹

29. Stephen minute op. cit., 11-13.

30. Forsyth to SGP, 14 May 1868, IJPr, March 1872, 169.

31. JC to SCC, 28 April 1862, IFJPr, December 1862, 11; JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

As the province settled down and as the incidence of crime increased the load of work on the officers increased very much. There was more than a fivefold increase in judicial work from 1859 to 1876.³²

The Oudh administration appointed a committee in 1876 to suggest measures to ease the situation. It came out with a strong recommendation for the separation of the judiciary from the executive on the lines suggested by Stephen through the appointment of additional officers.³³

Its recommendation coincided with the amalgamation of Oudh with the North-Western Provinces. The latter event resulted in a small reduction in the cost of administration. The Supreme Government directed the local administration to adjust the scheme in such a way that the additional expenditure would not exceed the savings consequent upon the amalgamation. This being done, the revised scheme was sanctioned and put into operation in 1878, thus, considerably easing the pressure on the overworked officers. This also substantially ended the non-regulation form of administration in Oudh.³⁴

The number of judicial officers was insufficient for a province of the size and population of Oudh. The strength of the Oudh Commission was determined when the population of the province was estimated at six million. Such a figure was shown to be a gross underestimate by the census of 1869. Each district in Oudh had on average nearly one million inhabitants - a little more than twice the average for the Panjab districts, more than twice that of the Central Provinces and very much more than that of the districts in Berar and British Burma. The average district in Oudh was nearly equal in revenue

32. See table 5.2. and chart 5.1.

33. AAR of NWP, 1877-78, General Summary, 26.

34. AAR of NWP, 1878-79, General Summary, 5.

work, but far exceeded in every other type, to that of its counterpart in the North-Western provinces.³⁵ The crime rate in Oudh was the highest in comparison to that of the other provinces in the Bengal Presidency.³⁶ In addition to the normal work, the officers in Oudh had to attend to many duties incidental upon managing a new province recently occupied after the worst and the most widespread rebellion faced by the British Government. Still, on average, a district in the North-Western Provinces was staffed by a much more elaborate set of officers than in Oudh.³⁷

All the district officers and Commissioners of Divisions were assigned judicial functions. In 1858 there were four Commissioners, twelve Deputy Commissioners, 24 Assistant Commissioners and 18 Extra Assistant Commissioners in Oudh.³⁸ During the settlement operations a large number of officers, mainly the Extra Assistants, were added to the Commission to work exclusively in the settlement department. After the completion of the settlement, they were added to the Commission as supernumeraries.³⁹ This resulted in an increase in the number of tribunals in Oudh (table 5.1). However, this increase was of little help because, after the completion of the settlement, all the revenue business, which during those operations was done by the Settlement Courts, was transferred to the regular courts. In 1873 the number of Assistants and Extra Assistants in Oudh was 65.⁴⁰

35. Gazeteer of the Province of Oudh, i, LX.

36. See table 6.1. and 6.2., *infra*.

37. Gazeteer of the Province of Oudh, i, LX.

38. SFD to CC, 6 October 1858, FPC, 5 November 1858, 193.

39. Resolution, 18 April 1873, Financial Department Expenditure Progs, A, April 1873, 19.

40. AAR, 1873-74.

Following the Panjab practice, the Oudh Commission was directed to entrust some judicial business of a petty nature to competent Tahsildars.⁴¹ In 1861 there were thirty three Tahsildars doing such work. Their number rose to 41 by 1873.⁴² Besides them, about fifty Taluqdars were invested with judicial powers. Petty business was assigned to them also.

The number of all courts in Oudh, as will be observed in Table 5.1, was insufficient for the needs of the province. There was only one court per seventy thousand or more people before 1870. However, after 1870 the proportion improved - between sixty to seventy thousand people per court. In terms of area too the proportion of courts was low; it was over 150 square miles per court before 1870 and below 150 square miles per court after 1870. But these courts were not all competent to hear criminal cases. For instance, criminal jurisdiction was only vested in 145 out of 155 courts in 1869, 136 out of 156 in 1870, 164 out of 185 in 1875 and 166 out of 181 in 1876.⁴³ Of these the courts of the Judicial Commissioner and the four Commissioners were mainly appellate courts. The Commissioners heard, however, cases of a very heinous nature in their capacity as Sessions Judges.

TABLE 5.1.⁴⁴

Number of courts and their proportion to area and population

	1868	1869	1870	1871	1872	1873	1874	1875	1876
All types of courts on the last day of the year	148	156	156	176	164	180	179	185	181
One court for the number of people	75,530	71,657	71,657	63,514	68,161	62,102	62,450	60,424	61,759
One court per square miles	162	154	154	136	146	133	134	130	133

41. SFD to Outram, 4 February 1856, FPC, 6 June 1856, 193; SFD to CC, 5 September 1862,

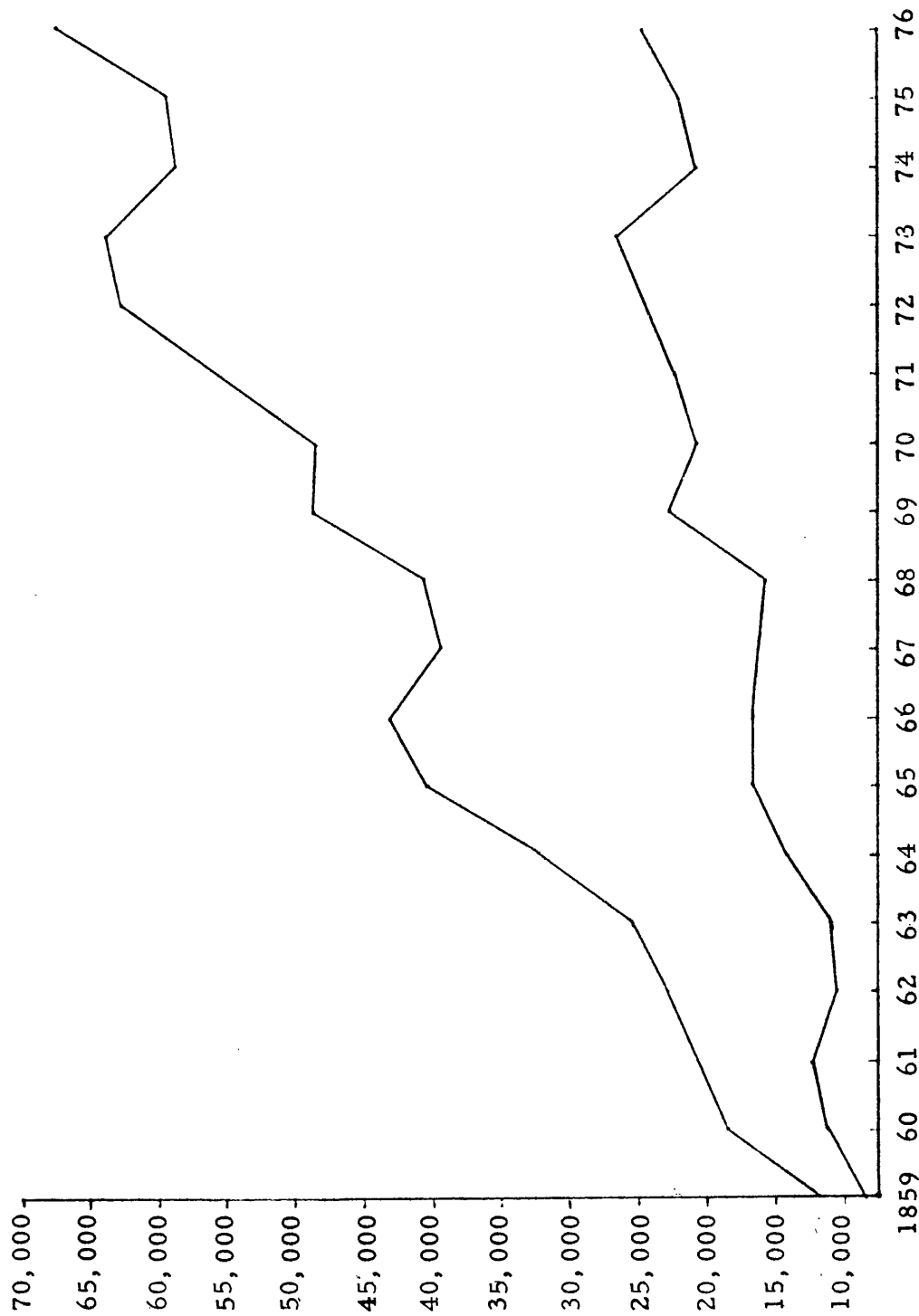
42. JAR, 1861-62, IFJPr, December 1862, 26, Appendix O; CrJAR, 1873-74, 2.

43. CrJAR, 1869-70, 1870-71, 1875-76, and 1876-77.

44. The data for the table 5.1. is extracted from AARs, 1868-1876.

CHART 5.1.

Number of Criminal cases and the sum of Civil and criminal cases, disposed of in Oudh courts 1859-76



While the number of all courts increased by less than thirty per cent from the early 'sixties to 1876, the judicial business disposed of by the courts in Oudh increased at a much greater pace after 1859, as is exhibited in table 5.2. Criminal business in the courts increased as a result of the tremendous increase in crime.⁴⁵ The number of criminal cases rose from 8,452 in 1859 to a peak of 26,684 in 1873; they recorded a fall only four times, in the years 1862, 1867, 1868 and 1870, during that period. the mean annual growth rate was 8.56 per cent. After a fall in the number of cases in 1874, it rose again during the two subsequent years. Chart 5.1. illustrates the rising number of cases disposed of in the courts in Oudh.

TABLE 5.2.⁴⁶

Growth in the number of cases heard by the judicial courts, 1859-76,

Year	Criminal cases	Civil cases	Total of civil and criminal cases	Growth of both types over the preceding year in p. c.
1859	8,452	3,695	12,147	-
1860	11,664	6,944	18,608	53.19
1861	12,473	8,676	21,149	13.66
1862	11,118	11,756	22,874	8.16
1863	11,248	13,818	25,066	9.58
1864	14,657	17,890	32,547	29.85
1865	17,251	23,309	40,560	24.62
1866	17,262	25,519	42,781	5.48
1867	17,061	22,558	39,619	- 7.39
1868	16,116	25,018	41,134	3.82
1869	23,088	25,971	49,065	19.28
1870	21,078	27,740	48,818	- 0.5
1871	22,393	33,664	56,057	14.83
1872	24,922	38,120	63,042	12.46
1873	26,684	36,958	63,647	0.96
1874	21,146	38,035	59,181	- 7.02
1875	22,720	37,060	59,780	1.01
1876	25,028	42,913	67,941	13.65

45. See tables 5.2. and 6.1.

46. The data for table 5.2. are extracted from AARs, JARs and CrJARs, 1859-76.

As the people grew more and more accustomed to settled government they brought their civil disputes in increasingly large numbers to the courts. The number of civil cases rose from 3,695 in 1859 to 42,913 in 1876. The mean annual rate of growth was 15.52 per cent or nearly double the growth rate of criminal cases. The total of both types of case rose from 12,147 in 1859 to 67,941 in 1876 at a mean annual growth rate of 10.65 per cent. There was only a marginal fall in 1867, 1870 and 1874. Apart from civil and criminal cases a large number of cases of miscellaneous types and the rent cases came before the courts. Up to 1870 there were special settlement courts for hearing the revenue cases. After that, such cases too were heard by the regular tribunals. The cumulative load of all types of judicial work upon officers must, have been heavy indeed.

Such a heavy burden of judicial work, when added to their duties in other branches of the government must have caused a great strain on the officers. It surely could not have failed to affect the performance of their judicial duties.⁴⁷ Table 5.3. exhibits the load of only civil and criminal cases upon the courts of Oudh from 1868 to 1876. It should, however, be remarked that actual load of work upon the stipendiary judicial officers was much heavier than the figures in table 5.3. would suggest. The Honorary Assistant Commissioners presided over from one quarter to one third of all courts but their share of the judicial business rarely exceeded six per cent.⁴⁸

47. AAR, 1869-70, 120.

48. See table 5.4.

TABLE 5.3.⁴⁹

The number of courts and civil and criminal cases heard by them.

	1868	1869	1870	1871	1872	1873	1874	1875	1876
Number of civil and criminal cases disposed of in the Oudh courts	41,134	49,065	48,818	56,057	63,042	63,647	59,181	59,780	67,941
Number of all types of courts	148	156	156	174	164	180	179	185	181
Average number of cases per courts	278	315	313	319	384	354	331	323	375

Obviously Oudh needed many more courts of all types than were available. Officers often pointed out this need.⁵⁰ When the settlement operations commenced in Oudh in the early 'sixties, the best officers in the province were assigned to this work. Their places were not adequately filled by experienced officers from the other provinces. The administration of criminal justice was left to junior and inexperienced officers.⁵¹ As in other branches of administration, rigid financial considerations over-rode all others in the judicial department too. Special judicial needs were supplied only on the one inflexible consideration that no additional financial liability would be incurred thereby. When a pressing need was felt for a special civil court at Lucknow to cope with the heavy and very complex cases that arose in the city, the appointment of a civil judge was sanctioned only on the condition of the abolition of the post of one Assistant and one Extra Assistant Commissioner.⁵² A City Magistrate for the

49. The data for table 5.3. is extracted from AARs and CrJARs, 1868-76.

50. AAR, 1869-70, 170; CrJAR, 1875-76, 2; CrJAR, 1877-78, 2.

51. SCC to SFD, 6 June 1863, IFGenPr, August 1863, 1; JC to SCC, 30 April 1859, IJPr, August 1869, 77.

52. SCC to SFD, Foreign Revenue Consultations, April 1862, 23-27.

populous city of Lucknow having a high incidence of crime, was appointed only when the local administration agreed to the suppression of an Assistant Commissioner of the highest grade.⁵³ It was ironical indeed that financial considerations stood in the way of the proper fulfillment of the primary obligation of the government, the administration of justice, in a surplus province like Oudh where the revenue from all sources amounted to nearly nineteen million rupees while the cost of the administration was only about 5.7 million rupees.⁵⁴

TABLE 5.4.⁵⁵

The work of criminal justice performed by various types of officers

Number of criminal cases from 1860 to 1867 and persons from 1868 to 1876 disposed of by officers								
Year	Deputy Commissioners	p. c. of the whole	Assistants & Extra Assistants	p. c. of the whole	Tahsildars	p. c. of the whole	Honorary Assistant Commissioners	p. c. of the whole
1860	2,708	27	5,398	53.95	1,631	16.39	268	2.68
1861	2,259	17.89	7,445	59	2,105	16.68	812	6.43
1862	1,276	11.43	7,459	66.86	1,452	13	968	8.68
1863	1,496	12.36	8,382	69.23	1,180	9.75	1,049	8.66
1864	2,357	15.9	9,633	65	1,896	12.79	934	6.3
1865	1,963	11.34	12,602	72.8	2,053	11.86	696	4.02
1866	1,668	9.61	12,730	73.4	2,392	13.8	551	3.18
1867	1,159	6.52	11,897	67	4,098	23.07	609	3.43
1868	2,066	6.44	19,947	60.66	14,920	39	1,623	1.26
1869	2,201	5.05	23,213	53.3	15,832	36.4	2,279	5.23
1870	1,383	3.4	21,247	52.25	15,621	38.42	2,407	5.92
1871	1,085	2.42	22,896	51.03	18,748	41.78	2,136	4.76
1872	1,344	2.73	24,342	49.46	20,025	40.79	2,501	7.11
1873	1,583	3.25	33,348	68.44	10,703	21.96	3,092	6.34
1874	1,176	2.52	31,403	67.22	11,294	24.17	2,847	6.09
1875	1,769	3.74	29,896	63.19	12,115	25.6	2,528	7.45
1876	1,138	2.38	31,664	66.15	12,104	25.3	2,730	5.7

53. USFD to CC, IFJPr, June 1863, 33.

54. Gazeteer of the Province of Oudh, i, LX; Chand, T.P., op.cit., 254.

55. The data for table 5.4. was extracted from AARs, JARs and CrJARs 1860-76. All the figures from 1860 indicate the criminal cases and from 1868 to 1876 the number of persons disposed by the courts of criminal justice in Oudh.

The brunt of the criminal judicial work was borne by the Assistant and Extra Assistant Commissioners and the Tahsildars. The share of the former two categories was more than the two thirds during nine years out of the seventeen (Table 5.4). Only in six years it fell below 60 per cent. They tried most cases of petty crime as well as nearly all the serious cases. In addition to this they had to hear cases in other departments and had to perform duties in all the other branches of the government. They were in fact the most overworked officers of the government.

The Tahsildars also performed a fair share of the judicial functions. This share increased significantly after 1868. It seems that the Deputy Commissioners passed on to them a disproportionately large amount of the increased work after 1868. Economic distress in that period led to a very great increase in the criminal prosecutions, especially for petty crimes against property. During the five years from 1868 to 1872 they disposed of 39.28 per cent of all criminal cases. They were essentially revenue officers whose main function was the collection of the revenue and the disposal of petty revenue and rent cases. Periods of agricultural distress generally increased such work. The Tahsildars' duties involved much touring and investigation of revenue and rent disputes on the spot. In addition to criminal and revenue jurisdiction, petty civil suits could be filed in their courts. The amount of civil business disposed of by them was at times as high as three and a half times that of criminal cases. It was lower than the latter only from 1868 to 1871. It was obvious that they could not do so much criminal judicial work without injury to their normal duties. Consequently more than once the Chief Commissioner had to intervene and to direct that they should be less burdened with such business.⁵⁶ As a result of such directives,

56. SCC to JC, 13 May 1868, IJPr, August 1868, 139; SFD to CC, 23 October 1868, FGenPr, October 1868, 65; SCC to JC, 20 July 1872, CrJAR, 1871-72; SCC to JC 2 June 1875, CRJAR, 1874-75; Resolution of HD, 1 October 1873, IJPr, October 1873. 1.

the Tahsildars had less criminal judicial work from 1873 onwards.

The Deputy Commissioners progressively did less work of criminal justice over the years. Their share declined from 27 per cent in 1860 to 2.38 per cent in 1876. It seems that as the province settled down to a regular routine and the junior officers became progressively more experienced and mature, the Deputy Commissioners diverted a greater share of work to them and reserved only the serious cases to themselves. Moreover, settlement operations engaged their attention during the 'sixties. In the later years, they had to look after problems of relief consequent upon the repeated periods of economic distress.

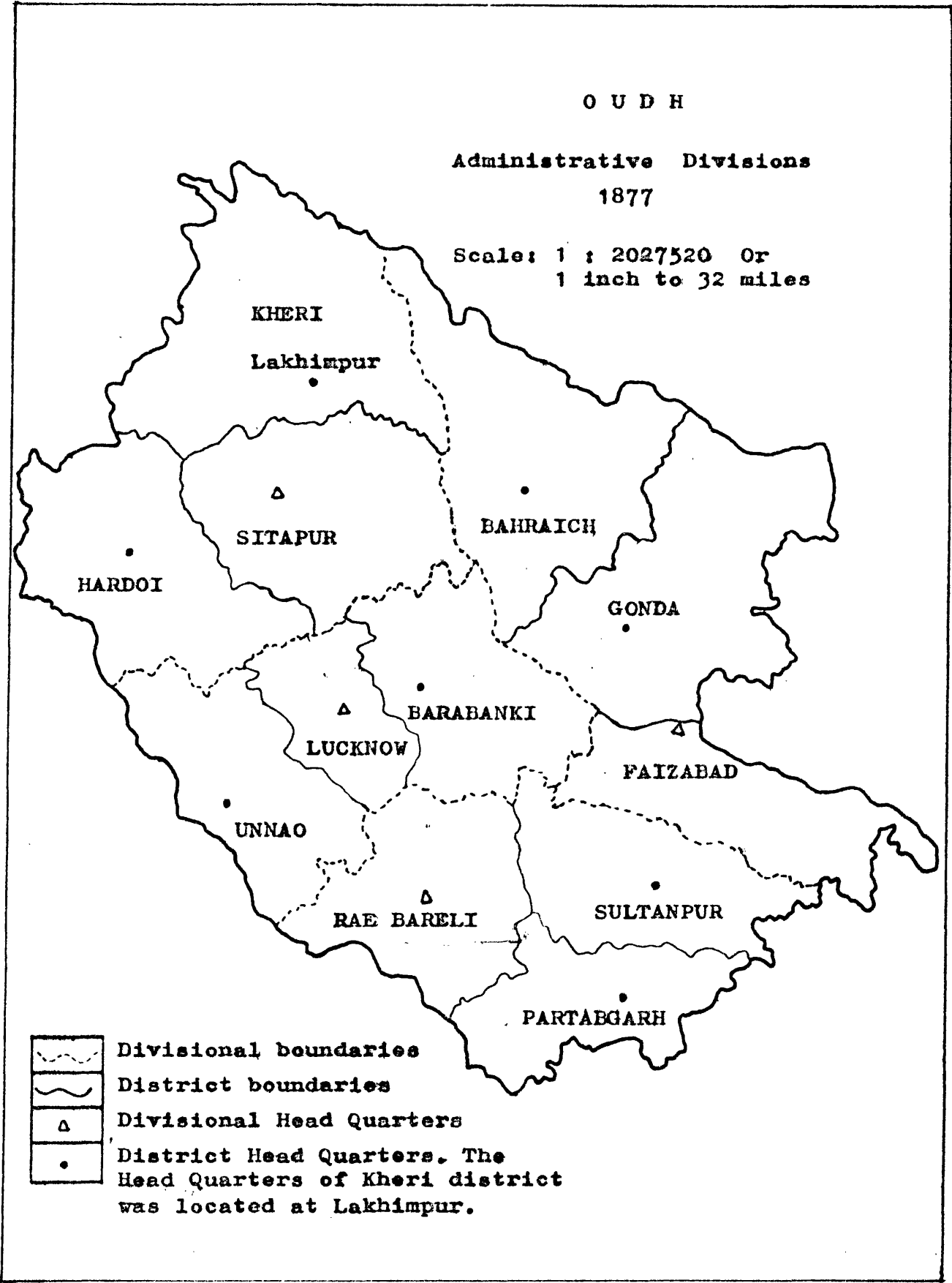
The Honorary Assistant Commissioners had only a marginal share of the administration of criminal justice. Their mean share from 1860 to 1876 was only 5.48 per cent; it exceeded six per cent only eight times in seventeen years. Their jurisdiction was generally coterminous with their estates which, in most cases, were too small to provide them with ample judicial work. The greatest amount of work was often disposed of by those whose jurisdiction was extended over a larger area beyond their estates; Gopal Singh was one such Taluqdar Magistrate.⁵⁷ Settlement operations in their estates diverted their attention and led to a marked fall in their judicial work.⁵⁸

The geographical location of the courts in relation to the area under their jurisdiction was a very significant factor in the administration

57. AAR, 1862-63, 100; AAR, 1863-64, 115; AAR, 1865-66, 87.

58. AAR, 1863-64, Appendix XVI C; AAR, 1864-65, 37.

Map 5.1



of justice. All the courts in Oudh with powers to hear cases more serious than those involving petty offences like minor assaults, abuse and petty larceny were located at the Sadars or district headquarters. This caused considerable inconvenience to the people. The headquarters of most of the districts were not centrally situated. The worst district in this respect was Faizabad. Others, whose headquarters were very far from the outlying villages were Gonda, Bahraich, Kheri, Barabanki, Sitapur and Sultanpur. The northern districts, Kheri, Sitapur, Gonda and Bahraich, were very big. In fact only two towns, Lucknow and Rae Bareilly were situated satisfactorily in relation to the districts of which they were the Sadars.⁵⁹ The parties and witnesses faced the prospect of walking a hundred miles or more on a journey to and from the Sadar of the district in all types of weather. In northern districts they would have to cross dense tropical forests of the Tarai and rapid streams. This handicapped the proper administration of justice.

Of course the courts of the Tahsildars and the Honorary Assistant Commissioners were situated in the interior. But there were not enough of them. In 1869 the maximum distance of a village from the nearest court was 56 miles in Sultanpur, 48 miles in Unnao, 36 miles in Kheri and 28 miles in Bahraich.⁶⁰ The situation was, however, improved in the later adjustment of the district boundaries and the appointment of new Honorary Assistant Commissioners; but still it was far from satisfactory. In 1876 the maximum distance from any village to the nearest court was 50 miles in Kheri, 30 miles in Sitapur, 28 miles each in Gonda, Bahraich and Barabanki and 25 miles each in Lucknow, Hardoi and Sultanpur.⁶¹ The courts

59. See map 5.1.

60. AAR, 1869-70, Table C.

61. AAR, 1876-77, Statistics of the Physical, Political and Fiscal Geography.

in interior could hear only petty crimes and only a few would like to travel such long distances for launching prosecution relating to them. In most of such cases the time, labour and money to be spent and the loss suffered due to absence from work would by themselves be a sufficient atonement for the petty misdeeds of the offenders; for their victims it would be an intolerable burden in addition to the injury sustained as a result of the offence. It was small wonder that a vast majority of the victims of petty thefts never desired to have their losses investigated.⁶²

The strengthening of the Commission or even the separation of the judiciary from the executive would hardly have solved the problem of the remoteness of the courts from the villages under their jurisdiction; all officers above the level of Tahsildar would still be based at the headquarters of the district. The only solution of the problem was the reduction in the Tahsil jurisdictions by the appointment of more Tahsildars or the appointment of other subordinate magistrates in the interior, or, alternatively, a much larger number of Honorary Magistrates could be appointed. Such magistrates in the interior should have been invested with larger powers to try cases of a more serious nature. Some Chief Commissioners were alive to the need of a well spread out network of criminal courts in the interior.⁶³ But they were helpless due to financial difficulties. The appointment of a much larger number of Honorary Magistrates might have done much to solve the problem. But this honour, apparently, was reserved as a prize to be bestowed upon a select few as a special mark of official favour on political

62. PAR, 1875-76, 6; also see Chapter 6 , infra.

63. SCC to JC, 13 May 1868, IJPr, August 1868, 139.

rather than judicial considerations. Though later the system of Honorary Magistrates was praised as a means of carrying the judicial courts nearer to the homes of the people, it was never seriously attempted, or perhaps even intended, to establish a network of such courts in the interior.⁶⁸

One method of combating the rapidly rising trend of petty crimes was the dispersal of the judicial agency. The cheapest and the easiest way of doing this would have been to put small groups of villages, a few miles apart, under the jurisdiction of Honorary Magistrates chosen from among the persons of influence and education. It would have been better if they did not own large landed property in the area of their jurisdiction with a view to avoid complications with regard to rights in land. They could have been given some initial training in broad principles of jurisprudence, the laws to be administered and judicial proprieties. The load of work would not have been so heavy on them because of their small jurisdiction. Their judicial work could have been supervised by the same agency which kept an eye on the Taluqdar Magistrates. But this was never attempted. The Government seemed to ignore the fact that justice, to be effective, should not only be impartial, but should also be easily accessible and prompt; justice delayed, as it would certainly have been under the geographical distribution of the courts in Oudh, would often be justice denied. The quality and impartiality of the judicial work of a larger number of Honorary Magistrates could surely have been maintained at the level of that of the smaller number with sufficient supervision and scrutiny.

68. AAR, 1861-62; 75; AAR, 1863-64, 115; SCC to SFD, 28 February 1861, IPFPr, April 1861, 437.

Another important feature of the judicial administration in Oudh during the period under study was the employment of a greater number of Indians in judicial work. After the reoccupation the number of Indians in the uncovenanted service was small. Of the eighteen Extra Assistant Commissioners nine were Europeans, five were Hindus and four were Muslims.⁶⁹ It was the natural outcome of the policy of caution following such a widespread Revolt. It was, however, a general experience in India that though the cadre of Deputy Collectors in the regulation provinces, and Extra Assistant Commissioners in the non-regulation provinces, was created to provide opportunities of higher and more responsible appointments for Indians the step actually benefitted Europeans more than Indians.⁷⁰ Most of the Indian Extra Assistants did not belong to Oudh; they were brought in from the Panjab and the North-Western Provinces at the time of the annexation and after the reoccupation by officers posted to Oudh from those provinces.⁷¹

It was soon recognised by some senior and responsible officers that justice could be better administered by local men who knew the habits, the customs, and the language of the local population. European judges had to learn these by long experience and hard observation.⁷² The fact that Indian judicial officers were less expensive, was not lost sight of.⁷³ The Oudh administration was anxious to employ some Indians in higher posts.⁷⁴ It recommended in 1867 the appointment of two Indians as Assistant Commissioners with

69. Statement of the Judicial work done by each officer, JAR, 1861-62, Appendix O, IFJPr, December 1862, 26.

70. Resolution of HD, 19 August 1867, Philips, Singh and Pandey: The Evolution of India and Pakistan, 535-36.

71. SCC to SFD, 8 July 1862, IFGenPr, August 1862, 1; Yule to Canning 22 January 1862, Canning Papers.

72. Stephen Minute, op. cit. 39-40.

73. Note of Plowden, 25 July 1876, HJC, Part A, August 1876, 133-34 and K. W.

74. SCC to JC, 31 July 1865, IFJPr, December 1862, 30.

a view to improve the prospects of Indian officers. However the recommendation though sanctioned could not be implemented.⁷⁵

The policy of appointing only Indians as Extra Assistants was, however, implemented by the end of the period under study.⁷⁶

Vacancies in that cadre were filled generally by promotion from among the Oudh Tahsildars.

Perhaps the most important innovation in the judicial system in Oudh was the grant of judicial powers to selected Taluqdars in 1859. The move was the natural corollary of the new policy of restoring the Taluqdars to their position of influence. The egalitarian policies of the heyday of the Benthamite liberal administrators was undermined by the experiences of 1857-58. Many responsible persons in authority repented raising 'money lenders and traders' and the lower classes and supporting them at the cost of 'persons of hereditary and family influence'.⁷⁷ They were deeply impressed by the degree of influence exerted by the Taluqdars over the people during the Revolt and the comparative ease with which it was suppressed with their help. This prompted Montgomery to suggest after the reoccupation of the province that some criminal and revenue jurisdiction be granted to the Taluqdars. He advocated the 'admission of the landed aristocracy to a share in the general work of administration'.⁷⁸ He was the first responsible officer to put forward such a view.

75. SCC to SFD, 29 October 1867 and SFD to CC, 16 November 1867, FGenPr, A November 1867, 4-5.

76. PA to CC to JC, 23 May 1876 and Resolution HD, 25 August 1876, Home Estt. Cons., B., September 1876, 13-21.

77. Wood to Canning, 2 November 1859, Canning to Wood, 27 February 1860, Wood Collection.

78. Montgomery administration Report, IPFPr, 27 May 1859, 366A.

Montgomery must have shared his ideas with Wingfield before leaving for Lahore. The latter, after deliberation and after acquiring first hand knowledge of the Taluqdars, discussed the matter with Canning when he went to Lucknow to hold his Darbar in October 1859. By that time Canning was fully convinced of the wisdom of the policy of 'turning to the purpose of good government the influence which the great landholders and hereditary chiefs of Oudh legitimately' possessed instead of suppressing and supplanting it by 'overruling authority' in British officers.⁷⁹ He therefore immediately sanctioned the proposal of Wingfield to invest a first batch of the six most important Taluqdars of Oudh with judicial powers within their own estates.

This policy was a very significant departure from the customary policy of the government of normally not permitting private Indian individuals to have any share in the administration. Yet the proposal of Wingfield was sanctioned with an amazing speed; approval was accorded to it within nine days of the despatch of the official letter from the Chief Commissioner. There is no available evidence that Canning was even unofficially sounded about the change in policy before he had left for Lucknow or that other members of the Supreme Government were given any opportunity to express themselves on such an important issue.⁸⁰ Rarely had a scheme altering the basic principles of administration been approved by the Supreme Government so quickly or with so little discussion, both public and private.

79. SFD to CC, 2 November 1859, FPC, 2 November 1859, 129-30.

80. Ibid.; SCC to SFD, 24 October 1859, FPC, 2 November 1859, 129-30. There is no indication in the official records or in the private papers of Canning, Wood, Outram or Frere that Canning had received any proposal of the kind before he met Wingfield in October 1859.

Obviously the principal reason for the new policy was political. Wingfield considered that it would be wise to make the Taluqdars 'identify themselves with the governing race and feel themselves a part of the government of the country' instead of regarding them as a potential adversary to be kept in sullen isolation.⁸¹ Moreover, the Chief Commissioner wanted to save them from the indignity of having them to deal with Tahsildars and other minor functionaries. It was thought that those officials created tensions between the landholders and their tenantry. The measure would give the Taluqdars a greater hold over the ryots in their estates.⁸² Wingfield did not care to explain why these factors were applicable to only a handful of the Taluqdars and what measures he would adopt to counter the misdoings of Tahsildars with regard to the majority of Taluqdars who were not so lucky as to be the members of the select band of Honorary Magistrates and Collectors. The other argument of the protagonists of the measure was clearly ex post facto; it was said that the landholders had always exercised some quasi-judicial authority over their tenants and the measure would merely legalise an irregular practice.⁸³ There was no indication as to the manner in which officers were to suppress this 'irregular practice' in the rest of the estates.

The first list of Taluqdars invested with judicial powers included only six prominent ones. Gradually the number was increased till it reached about fifty; it was maintained in the neighbourhood of that figure.⁸⁴ They were invested with criminal and revenue jurisdiction in 1859 and were called Honorary Magistrates and Collectors.⁸⁵ A year

81. Ibid.

82. Ibid.

83. AAR, 1860-61; Canning to Wood, 2 December 1859, Wood Collection.

84. AARs, 1865-76.

85. SFD to CC, 2 November 1859, FPC, 18 November, 129-30.

later the power to hear civil cases was given to some of them.⁸⁶ They were freshly designated Honorary Assistant Commissioners in 1861.⁸⁷ Their position and judicial functions were analogous to those of the Tahsildars.⁸⁸ If the estate of an Honorary Assistant Commissioner was small his criminal jurisdiction was often extended beyond it.⁸⁹

The scheme of investing the Taluqdars with judicial powers, which along with the restoration of Taluqdari tenure in Oudh was given the name of the Oudh Policy, was powerfully supported by Canning and Wood. But for such a degree of support it could never have been implemented. Canning staked all he had upon its success. He was bent upon giving the scheme 'even a partial and indulgent trial.'⁹⁰ He considered the Taluqdars to be 'rough diamonds', needing only careful grooming and polishing to bring out the best in them.⁹¹ A perusal of his private correspondence leaves the impression that the Oudh policy had become an obsession with him. He looked with jealousy upon any adverse reflection that happened to be cast upon this policy.⁹² When Wingfield went on furlough in 1861, he brought out George Yule from Bengal as locum tenens, setting aside the claims of the officers of Oudh, the Panjab and the North-Western Provinces, he suspected those officers of having a hostile or lukewarm attitude towards the measure because most of the officers

86. ASCC to SFD, 16 December 1860, IPFPr, December 1860, 504.

87. JC to SCC, 29 January 1861, IPFPr, May 1861, 175; SCC to JC 12 February, IPFPr, May 1861, 178.

88. AAR, 1859-60, 133.

89. Notification, FD, 17 May 1864, IPFPr, June 1864, 16.

90. Canning to Yule, 29 August 1861, Canning Papers.

91. Canning to Yule, 2 March 1861, Canning Papers and Yule Collection.

92. Canning to Yule, 29 August 1861, Canning Papers.

of those provinces had been trained in the school of Bird and Thomason.⁹³ In order to present the Oudh policy and its working in the most favourable light, he even went to the length of omitting passages from the copies of his private correspondence that he sent to Wood, if they reflected adversely on the policy or if they reported unfavourable reactions from officers.⁹⁴ He was fully supported by Bartle Frere in his Council.⁹⁵ Wood supported him in spite of the opposition within his own Council.⁹⁶

Not unexpectedly such a significant departure from the traditional policy raised strong opposition both in Oudh and England. Within Oudh the most important critic of the new policy was George Campbell, the Judicial Commissioner.⁹⁷ Two out of four Commissioners, St. George Tucker and Simpson, were not happy with the change.⁹⁸ Many district officers resented the new policy.⁹⁹ Subordinate Indian officials did not like the measure because it deprived them of their influence over the Taluqdars.¹⁰⁰ The feature of the scheme that caused the greatest resentment within Oudh was

93. Canning to Wingfield, 13 March 1861 and Wingfield to Canning, 7 March 1861, Canning Papers.
94. A marginal note on a paragraph of a private letter from Wingfield to Canning, dated 24 December 1859, read 'omit'. It was obviously meant for the copyist. Another note on the letter read: 'Copy sent to Charles Wood'. (Vide Canning Papers). The paragraph in question does not feature in the copy of the letter in Wood Papers (Vide Wood Collection, 55/2, p.183). The omitted paragraph described the opposition of some senior officers to the new policy.
95. Frere to Wood, 6 November 1861, Wood Collection.
96. Wood to Canning, 18 January 1860, Canning Papers; Wood to Canning, 18 June 1861, Wood Collection.
97. Canning to Yule, 29 August 1861, Canning Papers.
98. Wingfield to Canning, 24 December 1859, Canning Papers.
99. Canning to Wood, 3 December 1861, Wood Collection; Memo of Bruce, 29 November 1861, Bruce Papers. Journal of L. B. Bowring, 157.
100. Yule to Canning, 2 May 1861, Canning Papers.

the fact that district officers and Commissioners who were entrusted with the task of scrutinising the judicial work of the Taluqdars were directed by Wingfield not to censure them directly; all adverse remarks were to be channelled through the Chief Commissioner, who reserved the right to soften the criticism or even to withhold it entirely.¹⁰¹ Denison, the Governor of Madras, expressed himself in very strong terms against the wisdom of the policy.¹⁰² Elgin, after assuming the Government of India, was not happy with Canning's policy towards the Taluqdars of Oudh. He considered it to be somewhat crude and hastily conceived without the requisite amount of enquiry.¹⁰³ Of course he would do nothing to upset the arrangements made by his predecessor. But by far the most stubborn opposition was offered by Sir John Lawrence. A Thomasonian by training and instincts, he did not like the institution of Taluqdari; when it came to sharing the administration with them he was on the war path. He was supported by three other colleagues in the Political Committee of the India Council, Willoughby, Prinsep and F. Currie.¹⁰⁴

There were some very serious, and, to a certain extent, valid objections to the policy of investing the Taluqdars with judicial powers in their own estates. Most of the opposition was directed against this feature of the policy.¹⁰⁵ The Taluqdars possessed full proprietary rights over their estates to the exclusion of any

101. SCC to all CRS, 28 November 1859, FPC, A, April 1862, 41-44; JC to SCC, 28 April 1862, 110, IFJPr, December 1862, 11.

102. Memorandum on the organisation of Army, Canning to Wood, 3 June 1861, Wood Collection.

103. Elgin to Wood, 5 January 1863, Elgin Collection.

104. Canning to Yule, 29 August 1861, Canning Papers; Wood to Canning, 27 May 1861, 18 June 1861, 18 January 1860, Wood Collection.

105. JC to SCC, 3 May 1861, IPFPr, August 1861, 322; JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

others. It was widely apprehended that they would use their judicial powers to obliterate any subordinate or occupancy rights still extant in their estates.¹⁰⁶ They could, and in many cases did, use their criminal jurisdiction to this end, and also to bolster their personal hold over any tenant who might try to stand up to them. The Taluqdars, indulgently treated as they were by the authorities, naturally assumed that the revenue and criminal jurisdiction was granted to them in order to strengthen their position vis-à-vis their tenants. It was for this reason that they resented the extension of their authority by the inclusion of civil jurisdiction in their powers because, while it would cause great addition to their work, it would not add to their power over their tenants. Man Singh, echoing the sentiments of his class, told Campbell bluntly about the proposed extension of their jurisdiction: 'What good is that to us? From criminal powers...our power and authority are increased and our tenants knowing that we have revenue powers pay up. But what is the good of deciding shopkeepers' civil suits'?¹⁰⁷ The very knowledge that the Taluqdar was armed with judicial powers and that he belonged to the same class as the Hakims, or the district officers, was sufficient to make the mass of simple and ignorant residents on his estate feel less equal in law to him than would have been the case otherwise. The economic power of the landlord, when bolstered with judicial authority, would have been difficult to resist.

Still, some cases of resistance on the part of some tenants did occur in some estates. The estates of Man Singh and Amethi were built

106.JAR, 1861-62, IFJPr, December 1862, 11.

107.JAR, 1860-61, 88, IPFPr, August 1861, 322.

up at the cost of independent landholders. They contained a substantial number of high caste and spirited people. The Raja of Amethi, who had absorbed the lands of his clansmen in his property, had blood feuds with many of those who were responsible for the murder of his father.¹⁰⁸ The Raja did not scruple to use his magisterial powers in order to bring them to submission. Likewise, Man Singh, a most shrewd man, was not slow in realising the utility of his magisterial authority for suppressing his opponents.¹⁰⁹ The magisterial duty of punishing resistance of process and disobedience of judicial orders was a convenient tool in the hands of the Taluqdar Magistrates for extra-judicial purposes.¹¹⁰ The assertion of a right to cultivate a particular piece of land by a tenant often resulted in criminal proceedings in the Taluqdars' courts for wrongful restraint and criminal trespass.¹¹¹

Such a misuse of judicial power was perhaps not unnatural among the Taluqdars. Most of the prominent ones who had been invested with the judicial authority, had been pushing men of the world during the King's regime. They were adept in the unscrupulous ways of the aristocracy of the time which had to be constantly on the defensive against the government, and, perhaps, against neighbours also. Daily experience had taught most of them not to shy away from any opportunity of personal aggrandisement. The habits and the view of life which they had formed over a long period

108. SCC to SFD, 15 August 1863, IFGenPr, October 1863, 19; AAR, 1863-64, Appendix XV K C; SCC to SFD, 28 March 1864, FGenPr, A, June 1864, 16-17.

109. AAR, 1863-64, Appendix XVI C; JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

110. Ibid.; AAR 1864-65 37; CR Baiswara to JC, 14 March 1863, IFGenPr, October 1863, 20.

111. DC Sultanpur to CR Baiswara, 28 February 1863, IFGenPr, October 1862, 20.

would not have changed overnight with a change in the rulers of the country. The accounts of Sleeman and other Residents should have been a sufficient warning for the local administration.

It would have been very difficult for the Taluqdars to muster enough judicial objectivity even had they sincerely desired to do so while hearing the cases of persons with whom, due to a long association and often clashing economic interests, their prejudices and sentiments were so deeply involved. An upright stipendiary magistrate would almost invariably transfer such cases to his brother officers; the Taluqdars with no judicial training and with little intellectual attainments might not even be aware of the possibility of such a course. Many of them could not distinguish between their duties and functions as judicial officers, as landholders and as private individuals. Even an intelligent man like Man Singh judicially punished a man for refusing to cooperate in collecting supplies for the camp of the Chief Commissioner, a task which was entrusted to him in his capacity as a landholder.¹¹² Another Honorary Magistrate punished a retainer accused of a crime by dismissing him from his personal service.¹¹³ Such instances of the miscarriage of justice by men otherwise used to public service show how little they could discriminate between private and public affairs. They had grown up under a system during the last decades of the Nawabi when, because of the weak government, duties of a public nature were assumed by the landholders and they had got mixed up with their functions and affairs as landlords; it was difficult for them to distinguish between the two.

112. SCC to CR Faizabad, 3 September 1862, IFJPr, December 1862, 35.

113. CC to Bikrama Singh, 21 September 1860, 549.

There was a more serious objection to the exercise of judicial powers by the Taluqdars within their own estates on a more theoretical plane. In a very large number of revenue cases and quite a few criminal cases the Honorary Assistant Commissioners who heard them, or their servants acting on their behalf, would be one of the parties. Offences of minor assault and violence committed by the latter while collecting rent would fall in this category. The Taluqdar Magistrates hearing such cases would violate a basic principle of jurisprudence that none should sit in judgement over a case in which he was one of the interested parties. This was one of the postulates of the system which they administered in their courts and under which they worked. The officers often lamented the ill effects of this.¹¹⁴ The opposition of Campbell and John Lawrence was directed against this aspect of the system of Honorary Assistant Commissioners.¹¹⁵ The defence offered by Wingfield to their criticism was unconvincing. His argument that the system only formalised the traditional and continuing exercise of quasi-judicial functions was clearly an afterthought.¹¹⁶ Of course the Taluqdars did exercise such powers during the King's regime. But to argue that they continued to do so under British rule was hardly complimentary to the administration of which Wingfield himself was the chief or to the energy and vigilance of his subordinates.

Another defence that Wingfield put forward was based on the analogy of the canal and forest officers who possessed considerable powers

114. An officer described the system 'as an almost unmixed evil in cases in which they are personally concerned'. Vide AAR, 1863-64, Appendix XVI C.

115. JAR, 1860-61, 88, IPFPr, August 1861, 322; Wood to Canning, 10 January 1862, Wood Collection, John Lawrence to Davies, 15 September 1865, John Lawrence Collection.

116. AAR, 1860-61, 137; Canning to Wood, 2 December 1859, Wood Collection.

of a judicial nature in matters pertaining to their departments, though, for all practical purposes, they were the interested parties in the cases before them. Likewise he saw no evil in the exercise of judicial powers by the Taluqdars in their estates.¹¹⁷ Wingfield committed the mistake of confusing the private interest with public interest. The interest of the canal and forest officers in the affairs of their department would be of a public nature. Their case is not exactly parallel to that of the Honorary Assistant Commissioners; the latter, unlike the former, would be the direct beneficiaries of biased judicial awards. The former would not be, for this reason, interested parties to the cases that they heard in the same sense or extent as the Taluqdar Magistrates. Wingfield's analogy is not entirely valid as it was based on two dissimilar circumstances.

It was further asserted in defence of the system that their decisions were fair, impartial and popular. As evidence of this, it was often said that very few of the decisions of the Taluqdar Magistrates were appealed against.¹¹⁸ But this might have been the result of the natural fear of the peasants to appeal against the judgement of a person who happened to hold such economic power over them; a tenant-at-will could ill afford to incur the displeasure of the landlord. Moreover, as Wingfield himself conceded, the cases heard by the Honorary Assistant Commissioners were generally petty and the punishments awarded by them were usually lenient.¹¹⁹ In most of such cases, it would not have been worthwhile to go to a distant court at great expense for the uncertain prospect of a reversal of the original judgement.

117.AAR, 1863-64, 115.

118.AAR, 1862-63, 100; AAR, 1863-64, 115; SCC to SFD, 28 March 1861, IPFPr, April 1861, 437.

119.Ibid.

Actually Wingfield was aware that he was fighting a losing battle. He himself admitted the inadvisability of forcing the tenants of the Raja of Amethi to take all their cases to his court because of the extremely strained relations between some of them and the Raja himself. His judgement in some cases in which his servants were parties was found to be prejudiced.¹²⁰ Wingfield therefore relented so far as to allow the residents in the estates of the Honorary Assistant Commissioners the option to sue or be sued in the district courts. In order to prevent the misuse of criminal powers in trials for resistance of process, he ordered that all the processes in revenue cases issued by the Taluqdars' courts should be served through the Tahsildars.¹²¹ These measures rid the new system to a great extent of the evils besetting it.

Usually the persons invested with judicial powers were the owners of extensive estates. The Taluqdars of Balrampur and Khajurgaon and Man Singh were the owners of estates so large as to tax their ability to the full in managing them properly.¹²² When these estates were in embarrassed pecuniary circumstances, as was the case with that belonging to Man Singh, their owners could undertake official work only at the cost of the interests of their estates and the well being of their tenants. The Taluqdars accepted their new responsibilities in spite of their personal preoccupations, as they raised their prestige by making them a part of the administration. It raised them tremendously in the eyes of their tenantry and other Taluqdars.¹²³ Wingfield realised the potential ill effects of their preoccupation with official duties on their personal interests. Still

120. SCC to SFD, 15 August 1863, IFGenPr, October 1863, 19; AAR, 1863-64, 115 and Appendix XVI C; SCC to SFD, 28 March 1864, IFGenPr, June 1864, 16.

121. AAR, 1863-64, 115.

122. Ibid. Appendix XVI C.

123. Some of the Taluqdars and their men regarded their judicial powers more precious and glamorous than their title of Raja. Vide Edwardes to SFD 2 March 1860, Wood Collection, 55/3; Canning to Wood, 5 May 1860, Wood Collection; Memorandum of Wingfield, 4 December 1860, Canning Papers.

he would not relieve them of their new duties as it would have caused a set back to the new policy if large and influential Taluqdars like Man Singh were permitted to resign their offices.¹²⁴ Perhaps the apprehensions of Wingfield were well founded in the early stages of the implementation of the new policy. But in the long run the owners of considerable estates should not have been entrusted with the judicial duties which surely would have interfered with the discharge of their functions and responsibilities as landholders.

One of the principal expectations of the new policy was that the Taluqdars' courts would provide speedy justice uncluttered with the usual forms and technicalities of the regular courts of justice.¹²⁵ But Taluqdars started with great misgivings about the working of the judicial system, its reputed technicalities and complications. They approached their work with considerable diffidence and trepidation.¹²⁶ They were also apprehensive of being censured and thus of falling from the grace of the authorities, if they did not do well and if they deviated from the proper procedure. Many of them were busy men with little time for learning what they considered to be the correct procedure; others were lazy and unused to systematic and regular work. Many of them, therefore, hastened to employ personal clerks with previous experience of the regular courts. Most of such clerks had earlier been in the government service. They brought with them many of the forms and technicalities of procedure which it was intended to avoid in the courts of the Taluqdars.¹²⁷ Some of the Taluqdars like Man Singh, who had earlier

124.AAR, 1863-64, 115.

125.CR Bahraich to SCC, 21 September 1860, IPFPr, October 1860, 292.

126.Wingfield to Canning, 24 December 1859, Canning Papers.

127.AAR, 1861-62, 75.

experience of public business, were fond of paper work and forms. Perhaps they intended to show their ability to work as methodically as any stipendiary magistrate would do.¹²⁸ The common man's difficulty in understanding the forms and technicalities would add an aura of mystique to the courts and the Taluqdars who presided over them would be held in a still greater awe for it. It would certainly not be unwelcome to shrewd men like Man Singh. Moreover, none in their position would understand that the authorities seriously wanted them to do away with the forms to which they themselves stuck so tenaciously.

The system of Honorary Assistant Commissioners suffered from the usual drawbacks associated with analogous systems in Britain and elsewhere. The Taluqdars were busy men and had their personal affairs to look after. Their affairs during the settlement operations in their estates led to a considerable fall in their judicial work.¹²⁹ Many of them would often be absent from their estates for business or pleasure. In fact Wingfield encouraged them to travel widely with a view to broaden their outlook.¹³⁰ As a result work in their courts would often be irregular and fall in arrears. This prevented the prompt disposal of cases and would put parties to considerable inconvenience.

The Honorary Magistrates had a marked tendency to award lenient punishments.¹³¹ It might have been the result of the fact that most of the criminals who came up before them for trial lived in their

128. CR Bahraich to SCC, 21 September 1860, IPFPr, October 1860, 292; SCC to CR Bahraich, 22 September 1860, IPFPr, October 1860, 291.

129. AAR, 1865-66, 86.

130. SCC to JC, 9 July 1863, IFJPr, February 1864, 81.

131. CR Bahraich to DCs, 30 May 1860 and SCC to CR Bahraich, 31 July 1860, IPFPr, September 1860, 150.

estates and were possibly known to them. The Taluqdar magistrates had passed the major part of their lives in an era when crimes had been particularly violent and the sanctity of property was rated in direct proportion to the strength of its owner. To them the petty crimes that they tried perhaps did not seem to deserve as severe a punishment as the magistrates trained in the ways of an orderly government would have awarded.

In spite of these drawbacks the policy of appointing Honorary Assistant Commissioners did prove beneficial to the people. Their courts were more accessible and less distant for the trial of petty crimes.¹³² The dispersal of the judicial agency was a step in the right direction. It was not the principle but the practice of investing only the important Taluqdars with judicial powers and limiting their jurisdiction in most cases to their own estates, which gave rise to many serious difficulties. In fact many more such courts were required instead of being confined to only about fifty estates in the province. There is no available evidence of any serious attempt to make, as was claimed to be the intention of the administration, 'the Taluqdars a body of working magistrates like our county magistrature in England'.¹³³

The practice of selecting only the Taluqdars for appointment as Honorary Assistant Commissioner was a mistake; the government did not look beyond their class for such appointments, though this class was not available in all parts of the province, or in such large

132.AAR, 1863-64, Appendix XVI B.

133.Memorandum of Wingfield, 4 December 1860, Canning Papers.

numbers as to facilitate an effective dispersal of judicial agency. Campbell, who was not too much enamoured of the Taluqdars as a class, did advocate strongly the inclusion of other influential and respectable people, such as Mahants, Qazis and Mafidars, in the list of Honorary Assistant Commissioners.¹³⁴ On his insistence Wingfield enquired from the Commissioners about the availability of such persons in their divisions.¹³⁵ But perhaps due to Campbell's elevation to the bench of the Calcutta High Court, the matter was not pursued. The Honorary Assistant Commissionership remained, as it had originally been intended, a close preserve of the landed aristocracy of Oudh, to be eagerly sought, and to be graciously bestowed, as 'an incident of [their] position', like the honorific titles of Raja and Nawab.

In spite of the attempt of many Honorary Assistant Commissioners to the contrary, the Taluqdars' courts in general remained much more informal and less technical. Parties and witnesses escaped the exactions and harassment of the subordinate officials of the regular courts.¹³⁶ The environment and atmosphere in these courts were more familiar. The Taluqdars presiding over such courts were known to them and they need not fear the unknown temper of Hakims. The influence of the Taluqdar Magistrates and their knowledge of the people appearing in their courts, either as accused, or as complainants or as witnesses helped them a great deal in bringing out the truth and in discovering blatant perjury.¹³⁷ As

134. JC to SCC, 29 January 1861, IPFPr, May 1861, 175; JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

135. SCC to all CRs, 16 February 1861, IPFPr, May 1861, 179.

136. AAR, 1861-62, 75.

137. Ibid.

such courts had revenue jurisdiction, they could amicably and in a more satisfactory manner settle some troublesome and potentially explosive issues such as boundary disputes between the villages constituting their jurisdiction.¹³⁸ Such disputes and their faulty adjudication were a significant cause of violent crimes such as murder and riot.

The conferment of judicial powers on some Taluqdars was very advantageous to the government. It strengthened the allegiance of the socially and economically powerful class of landholders. It became an ambition for every Taluqdar to be invested with judicial powers and thus to earn the right 'to sit in Kutcheri', or court.¹³⁹ Canning considered the Oudh policy to be 'an administrative measure of wide imperial application and of the highest political value'.¹⁴⁰ He was so convinced of its political advantages that he directed its application in the Panjab, the North-Western Provinces and elsewhere.¹⁴¹ The policy was the direct offshoot of the desire to placate the aristocracy of the country, rekindled by the Revolt. The influence of the Benthamite liberals had led to the abandonment of elitist policies for a long time.¹⁴² Surely it was, Canning assured Charles Wood, 'against all reason' to attempt to govern a conquered country in which under all changes of dynasty, feudalism had remained rooted, by obliterating its aristocracy or by maintaining that class shorn of all authority.¹⁴³ The new policy after its evolution and trial in Oudh became a dominant feature of post-Mutiny imperial policy in India.

138. SCC to SFD, 28 March 1861, IPFPr, April 1861, 431.

139. Edwardes to SFD, 2 March 1860, Wood Collection.

140. SFD to CC, 5 August 1861, IPFPr, August 1861, 344.

141. Canning to Wood, 27 February 1860, Wood Collection.

142. Metcalf, T.R.: The Aftermath of Revolt, Chapter I.

143. Canning to Wood, 27 February 1860, Wood Collection.

Canning was proud to have initiated and developed this policy.¹⁴⁴ He considered it to be the panacea for all the dangers that could beset the Indian empire. Its success in practice was to be ensured against all set backs. The harrowing experience of the Revolt and the apparent brittleness of the foundations of the empire had so distorted his view of the problems affecting its security that he was suspicious of Campbell's calm and logical analysis of the adverse effects of the policy on rights in land.¹⁴⁵ He readily agreed to an extension of the term of his office by a year because of keenness to see the Oudh policy, among others, firmly established before he left India.¹⁴⁶ Hardly could he be gifted with enough foresight to be aware that the next challenge to the Raj would not come from the feudal element in Indian society, which was on the wane even with his attempts to prop it up; it would come from the educated middle class.

The Government looked forward to another benefit from the scheme of appointing Honorary Assistant Commissioners. It anticipated a material reduction in the work load on its own officers; eventually, perhaps, to a reduction in their strength.¹⁴⁷ But such an expectation did not materialise. The number of Honorary Assistant Commissioners was too small in any given district to make an impact on the total work load. They did not dispatch as much business as was expected. Their average share of the work of criminal justice from 1860 to 1876 was 5.48 per cent.¹⁴⁸ This was more than offset by the much higher increase in the total judicial work over the years.

144. Canning to Wood, 3 December 1861, Wood Collection.

145. Canning to Yule, 27 August 1861, Canning Papers.

146. Canning to Wood, 25 May 1860, Wood Collection.

147. Secretary to the Civil Finance Commission to SCC, 29 December 1860, IPFPr, May 1861, 220.

148. See table 5.4.

Encouraged by the success of the scheme of investing Taluqdars with judicial powers Canning suggested to Wingfield, during his visit to Lucknow in February 1861, the appointment of a bench of Honorary Magistrates for the City of Lucknow.¹⁴⁹ The latter took up the suggestion with enthusiasm and submitted a detailed plan. The bench would consist of 'gentlemen of property, station and character, though not possessed of landed property'. It was considered to be politic to ensure their attachment to the government. Besides, the bench would relieve the stipendiary magistrates of much of the drudgery of trying cases of petty offences which abounded in the city.¹⁵⁰

However, the Government of India lost much of its enthusiasm for such a scheme after the departure of Canning from India. Elgin considered many of the policies towards the aristocracy followed by Canning as crude and premature.¹⁵¹ When Wingfield pressed for approval of the scheme he was told in 1863 that it would need legislative enactment before being put in force. Five years later when the Oudh administration again raised the subject, the Supreme Government extended the operation of Act XXVII of 1867 to Oudh, under which a bench of Petty Sessions of Honorary Magistrates could be created for the City of Lucknow.¹⁵² However, the scheme could not be implemented immediately. After a long delay of about a decade the scheme was ultimately implemented in 1878.¹⁵³

Encouraged by the results of the experiment the Government appointed Honorary Magistrates in several other towns of Oudh a few years later.¹⁵⁴

149. Canning to Wood, 10 April 1861, Wood Collection.

150. Wingfield to Canning, 10 April 1861, Canning Papers; SCC to SFD, 30 March 1861, IFJPr, March 1862, 8-9.

151. Elgin to Wood, 5 January 1863, Elgin Collection.

152. SCC to SHD, 22 May 1868, 41; Notification, 16 June 1868, IJPr, June 1868, 42.

153. SNWP to JC, 14 July 1879, CrJAR, 1878-79.

154. CrJAR, 1883-84.

The wish to render the judicial system more palatable to the people and less harassing led to some significant reforms in the procedure of the courts and in the composition of the subordinate establishment.

The most important change was effected in the mode of recording evidence in court. The general practice before the revolt was the appointment of evidence writers in all trial courts. In practice they actually examined the witnesses and recorded their long statements, often full of superfluous material having no bearing on the points in dispute. Quite often more than one witness was examined by many evidence writers while the magistrate busied himself with other work like, for instance, a report on the local ferries.¹⁵⁵ The examination of witnesses would sometimes be conducted in a separate room so as not to distract the attention of the presiding officers from their other work. Such a practice was naturally undesirable and open to obvious abuses. The evidence thus recorded was, at best, in the nature of an affidavit; the magistracy had no opportunity of assessing its worth by a personal cross-examination.¹⁵⁶ The evidence writers, the worst and the most notorious class of corrupt low paid employees, acted as a barrier between the court and the witnesses. They had endless opportunities of distorting the evidence for a consideration.¹⁵⁷ Outram very strongly recommended a reform in this practice.¹⁵⁸ Campbell, on the suggestion of Montgomery, took up the matter. It was directed that the presiding officers of all courts should themselves examine all the witnesses and take down notes in English in their own hand.¹⁵⁹ For sometime

155. JC to SCC, 11 June 1864, IJPr, October 1864, 38.

156. JC to SCC, 28 April 1861, 93; IFJPr, December 1862, 11.

157. Memorandum of JC, 16, enclosed with SCC to SFD, 21 February 1859, IPFPr, 12 August 1859, 144.

158. Memorandum of CC, enclosed with SCC to SFD, 29 January 1858, IPFPr, 5 November 1858, 192; JC to SCC, 17 June 1863, IPFPr, February 1863, 81.

159. Montgomery Report on Administration of Oudh, 312, IPFPr, 27 May 1859, 366A; Memorandum of JC, enclosed with SCC to SFD, 21 February 1859, IPFPr, 12 August 1859, 144.

as a transition, the evidence continued to be recorded in Urdu by the clerks in addition to the notes taken by the magistrates. This practice was later dispensed with after the new practice had proved its worth and the officers had gained some experience of taking down notes of the evidence themselves.¹⁶⁰

Another reform was to direct the magistrates to write briefly and succinctly their judgement in English in their own hand.¹⁶¹ The earlier practice was to enter judgement in a few words such as 'acquitted or 'three years'. The final order in the local language, incorporating detailed summary of the case and the reasons for the particular conclusions arrived at by the magistrate, was usually composed by his clerk.¹⁶² This was a very undesirable practice and it led to a great deal of dependence of the magistrates on the office staff. The new directive was an overdue step in the right direction.

The new system of recording the evidence and judgement increased the labours of the magistracy very much. It naturally aroused a great deal of opposition in all sections of the Oudh Commission. Interestingly enough, the most stubborn and persistent opposition was offered by some of the ablest and most conscientious officers. St. George Tucker, a Commissioner whose own notes were models of precise and painstaking records, was the most opposed to the scheme.¹⁶³ Nearly all the opponents emphasised that it involved a great amount of physical labour besides the usual ones which fell to the lot of the Indian judges. The magistrates in Oudh

160.SCC to SFD, 29 July 1859, IPFPr, August 1859, 213.

161.SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

162.JC to SCC, 3 May 1861, 76; IPFPr, August 1861, 322.

163.Ibid., 76; JC to SCC, 11 June 1864, 33, IJPr October 1864, 38.

had to combine in their persons the duties of judge, jury and counsel for both parties. The additional burden of acting as an evidence writer would, they pleaded, be the proverbial last straw.¹⁶⁴ It was also argued that the magistrates were highly paid officers of the government and yet they were made to do work which could be as efficiently performed by clerks drawing only one hundredth of their salary.¹⁶⁵ The opposition became still more vociferous when the Criminal Procedure Code laid down that a translation of the statements be read out to the witnesses after the closure of their evidence. The magistrate had to attach a lengthy certificate in his own hand that this had been done and that the witness had confirmed the correctness of the recorded statement.¹⁶⁶ The objections regarding the increase in the work of the over-worked magistracy were valid to some extent. But there was really no other way of doing substantial justice. It could not be done by a magistrate who did not hear and examine a witness personally and thus form his own assessment of the evidence. Moreover, it was rightly argued that taking down notes of the evidence would not be such a burden as it would seem to be. After all a conscientious judge had to take his own rough notes of the material points of the evidence that was given before him. Under the new rules he would have to take down fuller notes in a more legible and systematic way.¹⁶⁷ Of course it would entail a great amount of additional work for those officers who performed judicial functions simultaneously with the other branches of their duties.¹⁶⁸ But to eradicate such an objectionable practice was the precise aim of the reform. That such a practice grew up partly because of the undermanning of the executive and judicial cadres by the government was quite a different matter.

164. JC to SCC, 3 May 1861, 76, IPFPr, August 1861, 322.

165. Ibid.

166. JC to SCC, 28 April 1864, 95, IFJPr, December 1862, 11; JC to SCC, 12 May 1866, 150; IJPr, November 1866, 17A.

167. JC to SCC, 3 May 1861, IPFPr, August, 1861, 322.

168. SCC to JC, 31 July 1862, IJPr, December 1862, 30.

The reform, though procedural in character, was of vital importance. Canning was greatly struck by its soundness. As soon as the details of the scheme reached him, he circulated the correspondence related to it among all the local governments and administrations for their consideration, and if possible, for adoption.¹⁶⁹ The essential features of the scheme were incorporated in the Civil and Criminal Procedure Codes which were passed shortly afterwards. Both of them made it obligatory for the judges and magistrates to have the witnesses examined under their personal and active supervision. Although the option of recording the evidence in the local languages was given to the local authorities, the judges were directed to take down their own notes.¹⁷⁰ In fact the Codes made the procedure of recording of the evidence too elaborate for the liking of many officers.¹⁷¹ The Oudh administration claimed, with justifiable pride, to have initiated a reform of great importance for the proper administration of justice.¹⁷²

The Government of India tried to remedy another great defect of the judicial system by restricting the right of appeal. The pre-Mutiny system even in the non-regulation provinces permitted repeated appeals against the judgements of the lower courts. This was considered a necessary safeguard against errors of judgement caused by the inexperience of junior officers as well as an imperfect understanding of the local customs, language and habits of the people. But this provided a great incentive to needless litigation. Parties

169. Beadon to SFD, 25 August 1858, IPFPr, 17 September 1858, 290.

170. JC to SCC, 3 April 1862, IFJPr, June 1862, 25; JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

171. JC to SCC, 5 December 1861, 6 February 1862 and 3 April 1862, IFJPr, June 1862, 19 to 25.

172. SCC to JC, 6 February 1862, IFJPr, June 1862, 25; JC to SCC, 17 June 1863, IFJPr, February 1864, 81; SCC to JC, 9 July 1863, 38, IFJPr, February 1864, 105.

would often carry palpably weak or minor cases in appeal to the highest court in the province. This was sometimes done out of spite for opponents and just to harass them. Besides causing great expense to themselves and their opponents, this significantly increased the burden of judicial work.

Outram vehemently denounced it.¹⁷³ The Government, agreeing with him, laid down that only one appeal to the next higher court would be allowed in criminal cases. Only if the appellate court reversed the judgement of the trial court, would a second appeal in the next higher court be permitted.¹⁷⁴ This was a step in the right direction as it provided a check on needless and often hopeless appeals which were often encouraged by unscrupulous lawyers and their touts. This useful reform was substantially incorporated in the Criminal Procedure Code. The Code permitted only one appeal on fact. On questions of law however another appeal could be brought before the High Court, which in the case of Oudh meant the court of the Judicial Commissioner.¹⁷⁵

Some significant changes were made in the ministerial establishment of the courts and their office procedures in order to make justice more easily obtainable by the people and to free them and the judicial officers from the undesirable hold of the office staff of the courts. In the then existing practice the ministerial staff had no defined duties and responsibilities. But they had acquired a great amount of power as the men surrounding the officers.¹⁷⁶

173. Memorandum of Outram, forwarded with SCC to SFD, 29 January 1858, FPC, 5 November 1858, 192.

174. SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

175. Cambridge History of India, vi, 385.

176. AAR, 1861-62, 29.

Without their aid and assistance the overworked officers could do little. Most of the records that they kept were in Urdu and they kept them in unclassified bastas or bundles, the mysteries of which were known only to them. The officers had to depend upon them for the smooth flow of business in their offices and courts. Campbell aptly described their influence: 'Their power is in mystification and it is wonderful how difficult it now is to trace in an independent way the files of cases and the way in which they are brought forward and disposed of.'¹⁷⁷ They utilised their power for their own personal gain. The fact that they were assigned no defined responsibilities burdened officers with trivial matters of routine connected with their courts such as the issue of processes and the like.¹⁷⁸ Campbell, after a close study of these evils, worked out a scheme of office reform and implemented it with the full backing of the government.¹⁷⁹

The most important change was the creation of the office of Munsarim or clerk of the court, with a liberal salary on the English pattern. He was to be the head of the ministerial establishment of all the courts, civil as well as criminal, at a station.¹⁸⁰ The Munsarim was to be a responsible officer with clearly defined duties as the executive officer of the courts. He was to admit all complaints, issue processes and perform the routine executive business of the courts.¹⁸¹ However, he was not assigned any judicial functions, which were strictly to be performed by the judicial officers.¹⁸² One of his essential qualifications was a knowledge of both English and Urdu as it was his business to

177.JC to all CRs, 25 February 1862, IFJPr, December 1862, 11, Appendix IV.

178.JC to all CRs, 23 August 1859, IPFPr, August 1861, 326.

179.Ibid.; SCC to JC, 22 June 1860, 27, FPPr, A, November 1860, 280.

180.JC to all CRs, 23 August 1859, IPFPr, August 1861, 326.

181.Ibid.

182.JC to all CRs, 19 March 1860, Appendix IV, IPFPr, August 1861, 326.

translate the orders of the court from English to Urdu and to provide copies to the parties. He was to supervise the work of the ministerial staff and was to function as the office of enquiry for the people. He was to be fully accessible to the people at all times during office hours.¹⁸³

Office arrangements and records were simplified. The bastas or bundles of papers wrapped in square pieces of cloth were banished from the offices, except when the magistrates functioned from their camps. The papers in current use were to be kept in neatly labelled pigeon holes. Cause lists for every court were to be regularly prepared and prominently displayed.¹⁸⁴ It was directed that as far as was possible all clerks should have some knowledge of English and none who did not know that language was to be promoted.¹⁸⁵ This became inevitable after the use of English as the medium of recording the evidence was made compulsory.

All these office reforms were quite useful and they simplified the judicial administration to a large extent. But the increasing use of English as the language of record and in the proceedings of the courts put them further beyond the comprehension of the common man. Oudh was the only province in the Presidency of Fort William where the proceedings were fully recorded in English. Since the pleadings in English in the courts facilitated their recording by the magistrates, its knowledge was made compulsory for all candidates for enrolment as pleaders.¹⁸⁶ Urdu, whenever it was

183. JC to all CRs, 23 August 1859, IPFPr, August 1861, 326, Appendix IV.

184. JC to all CRs, 25 February 1862, IFJPr, December 1863, 11, Appendix IV.

185. Ibid.

186. SCC to SHD, 11 January 1866, IJPr, January 1866, 70; SHD to CC, 25 January 1866, IJPr, January 1866, 71.

used in court papers, was very terse and overloaded with words of Perso-Arabic origin and was equally incomprehensible to the common people. The administration realising the evils of the use of such language directed the use of simple Urdu.¹⁸⁷ But such directives were rarely acted upon as it was in the interests of the office staff of the courts not to let the people understand the judicial mysteries. Their resistance to any attempt at simplification, as Campbell had foreseen, made the success of the reforms very difficult to attain.¹⁸⁸

The keen desire of Canning to simplify the judicial system led to the imposition of a ban on lawyers in the courts in Oudh.¹⁸⁹ There was a widespread belief that the Indian legal practitioners were an undesirable class. They were supposed to develop a vested interest in the prolongation of cases; they were considered to have a tendency to make procedures complicated. What was worse, they were supposed to be of no assistance to the presiding officers.¹⁹⁰ Experience with the conduct of Mukhtars and Vakils, the Indian lawyers in the North-Western and Lower Provinces, was not very happy. A restriction was placed on their appearance in the courts of Oudh in 1856.¹⁹¹ The government then considered their presence in the courts of a non-regulation province as incompatible with the spirit of its judicial system. Outram also strongly recommended that they be not allowed to appear in the Oudh courts.¹⁹² The Government agreed with him and directed that the parties to any case were to appear personally in the courts, unaided by any lawyer. The judges were to confront them and examine them themselves.

187. PA to CC to all CRs, 24 July 1876, Home Education Cons., A. September 1876, 43.

188. JC to SCC, 14 November 1865, 35; SCC to SHD, 11 January 1866, IJPr, January 1866, 70.

189. SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

190. Memorandum of CC enclosed with SCC to SFD, 29 January 1858, IPFPr, 5 November 1858, 192.

191. SCC to Outram, 4 February 1856, IPFPr, 6 June 1856, 193.

192. Memorandum of CC enclosed with SCC to SFD, 29 January 1858, IPFPr, 5 November 1858, 192.

Only rich and influential persons were permitted to appear through their personal agents; even they were prohibited from employing professional lawyers.¹⁹³

But the situation changed rapidly and it was found impossible to keep the Indian lawyers out of the courts. On a representation from the members of the legal profession practising at the Supreme Court at Calcutta, the Government of India permitted the barristers, advocates and the attorneys of the Supreme Court to appear in Oudh courts.¹⁹⁴ As a result a large number of Europeans, many of whom had no legal training, set up practice as law agents in Oudh and were on the way to monopolise the legal practice rapidly in the province. Due to the inevitably low number of such people in proportion to the total needs of the province they charged high fees.¹⁹⁵ The obvious injustice to the people of Oudh in this respect perturbed the authorities in Oudh. 'The natives have', Yule remarked, 'a right to compete and succeed if they can'.¹⁹⁶

As the province settled down, the judicial system was systematised and the procedures were defined and elaborated by Campbell, it was realised that greater attention to them was needed. The growth of case law also required constant reference to earlier judgements. The overworked magistracy was not always able to do this unaided. The need of a regular bar under such circumstances was increasingly felt.¹⁹⁷ With the introduction of the Codes in 1862 the informality

193.SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

194.DySFD to Clark, 23 August 1860, IPFPr, August 1860, 178.

195.JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

196.SCC to SFD, 2 September 1861, IFJPr, October 1861, 43.

197.Ibid.

of the non-regulation system came to an end and the system acquired all the forms and trappings prevalent in the older provinces. The increasing complications and technicalities of procedure had already led to the growth of an unrecognised and even illegal body of legal advisors who carried on their trade in a clandestine fashion. A recognised and well regulated and qualified bar was the only remedy.¹⁹⁸

Moreover, there was a great need to provide a decent and regular living for the educated natives of Oudh. Lucknow had long been a centre of learning. It had a large number of people, especially among the Muslims, who were highly educated and desperately needed a respectable vocation.¹⁹⁹ The legal profession could be one of the very few in Oudh, as it was elsewhere in India, in which the energies and the talents of educated Indians could find full employment.

It was felt that a close supervision and check on the conduct and qualifications of the lawyers could obviate the defects that were observed in the other provinces. Therefore, on the recommendation of the Chief Commissioner the Government of India sanctioned the certification as pleaders of persons who could pass an examination of a sufficiently high level to be held by the Judicial Commissioner once every year.²⁰⁰ The Chief Commissioner refused to hold a lower level of examination for an inferior category of lawyers, known as Mukhtars, as was done in other

198.JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

199.Ibid.

200.SFD to CC, 18 October 1861, IFJPr, October 1861, 45.

provinces. He was convinced that it would lead to the entry of poorly qualified persons into the legal profession. Gresham's law would come into operation and qualified lawyers would be at a disadvantage because of the inability of litigants to make fine distinctions about the technical qualifications of the two types of lawyers. Moreover the Mukhtars would try to make up for inferior legal ability by such malpractices as touting. It was, therefore, decided to put all the candidates to the same tests. Mukhtars would differ from pleaders only in respect of the amount of the license fee payable for the privilege of practising as a lawyer and in the categories of court in which they could appear on behalf of their clients.²⁰¹ Oudh was the first province in the Presidency of Fort William to make a knowledge of English compulsory for both the categories of lawyers. The purpose of such a step was to make English the effective language of the courts and also to ensure an adequate knowledge of the law through authoritative works in that language.²⁰² Though the latter aim was laudable in its intent and application, the former was certainly a retrograde step which increased the gulf between the people and the courts.

The people of Oudh were quick to take advantage of the decision to set up a bar. The number of lawyers increased steadily. At first most of them were based at Lucknow because of the extent of the practice available in a large town with a high incidence of crime and a concentration of the old nobility giving rise to a large number of civil suits.²⁰³ The highest courts of appeal in all branches of justice were concentrated there. Lawyers from Lucknow

201.JC to SCC, 6 January 1868, IJPr, April 1868, 1.

202.JC to SCC, 14 November 1865, IJPr, December 1865, 35; SCC to SHD, 11 November 1865, IJPr, January 1866, 70.

203.SCC to SHD, 11 November 1862, IJPr, January 1866, 70.

would go out to the districts to plead in all the local courts. But gradually the districts also attracted a fair number of them. By 1875 the province had 183 lawyers on the rolls, only sixteen of whom were barristers.²⁰⁴

The magistrates and judges in Oudh were entrusted with very heavy responsibilities. They had to discharge them unaided. In most cases they did not have the aid of lawyers representing the parties who would study the details minutely and elucidate the relevant law and the obscure points in the evidence by a pertinent cross examination. Only lawyers could keep abreast of the growing volume of the case law; the magistrates would not have leisure enough in the midst of their multifarious duties. A realisation of this led to the appointment of government pleaders in the Sessions Courts which heard cases of serious crime.²⁰⁵ The magistrates had also to work as the counsel for the prosecution and defence. The criminal courts of Oudh were denied the help of juries. Such aid was especially required by the European officers who were handicapped by the want of a thorough knowledge of the local habits, customs and idiom. Campbell strongly urged the Government to permit the trial of the serious cases with the help of jury.²⁰⁶ But his request was turned down.²⁰⁷ It was believed that justice would not be done by juries in the state of society then obtaining in Oudh. But the urgency of the need of some such help was recognised. The Sessions Judges were, therefore, given the help of assessors composed of the respectable people of the area, for the trial of serious cases.²⁰⁸

204. CrJAR, 1875-76, 4.

205. SCC to SFD, 24 February 1862, IFJPr, April 1862, 31; USFD to CC, 15 April 1862. IFJPr, April 1862, 32.

206. JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

207. SCC to JC, 26 June 1861, IPFPr, August 1861, 343.

208. JAR, 1865-66, IJPr, November 1866, 17A.

The system proved to be very successful and the assessors showed uncanny ability in pointing out the lacunae in police evidence.²⁰⁹

The judges were very appreciative of the assistance rendered by them. The opinions of the assessors on points of fact involved in cases was accepted by the judges in the vast majority of cases.²¹⁰

Perjury and the difficulty in eliciting the truth from witnesses was a constant headache for the magistrates and judges in Oudh. The officers often complained of dishonesty and untruthful statements in their courts.²¹¹ At the same time the officers testified to the honesty and the truthful conduct of the people among themselves.²¹² This apparent contradiction in the behaviour of the people can be explained by the want of many types of sanctions that might ensure correct depositions in the courts.

The courts lacked social sanctions because of the remoteness and the formality of their set up. They were located in the far off district headquarters, away from the environment in which the people lived. Everything connected with them - their set up, the liveried peons, the lawyers and the magistrates in strange and formal dress, the cold and impersonal atmosphere of the court rooms and of the proceedings that went on there - was strange and perhaps had an element of unreality for the simple people testifying there. It would require an extraordinary effort on their part to keep their natural behaviour and conduct intact in such artificial surroundings.

209. CrJAR, 1866-67, IJPr, July 1867, 27; CrJAR, 1867-68, 47.

210. CrJARs, 1867 to 1876.

211. JC to SCC, 3 May 1861, IPFPr, August 1861, 322; CrJAR, 1871-72, 119.

212. SCC to SFD, 17 October 1861, IFJPr, April 1862, 36.

Another factor which, so to say, freed them from their natural code of conduct was the technical and complicated nature of the judicial proceedings which they understood very little. The amount and type of evidence required to prove a point was often an inducement for 'manufacturing' the missing links. The credulity of the magistrates for every type of evidence given on oath, though it might be false, encouraged the tendency to perjure.²¹³ The lawyers, to comply with the niceties of the legal requirements, would often tutor the witnesses to tell even the truth with embellishments and twists. They and other people around the courts like touts and subordinate officials often confused the witnesses.²¹⁴ The police would often implicate innocent persons and would produce doctored evidence. In such cases the accused and their friends would naturally use all means, including perjury, to escape conviction.

The European officers, of whom there was a large number even in the cadre of Extra Assistant Commissioners, did not possess the requisite knowledge of the customs, habits, reactions and often the local slang of the people. It was very difficult for them to spot a false statement.²¹⁵ This encouraged perjury in their courts.

The social sanctions against telling lies did not work effectively against the making of false statements in the courts. The depositions were made far away from the villages of the witnesses and generally in the midst of strangers. The friends, relatives and elders of the witnesses and the respectable people of their

213. SCC to SFD, 17 October 1861, IFJPr, April 1862, 36.

214. Reeves, P.D., Sleeman in Oudh, 228-29.

215. Tucker to JC, 28 November 1863, IFGenPr, August 1862, 1; Stephen Minute on Judicial Administration of India, 39-40. IJPr, March 1872, 170.

villages would not be present in the courts when perjury was committed.²¹⁶ Many officers thought that an enquiry on the spot in the midst of local people almost always brought out the truth.²¹⁷

The religious sanctions against the practice of perjury was removed by a change in the form of the oath administered to deponents in the courts. Before 1863 they were required to swear on objects sacred to their religion like Ganga water for the Hindus and the Quran for the Muslims. Act V of 1840 had changed the form of oath and the witnesses were required to solemnly affirm the truth of their statements. But such solemn affirmation had no religious sanction and as such it was less binding on the conscience of the people than an oath administered on a sacred object. In spite of strong opposition from the local officers, the Supreme Government extended the operation of the Act to Oudh.²¹⁸ It did not think that sufficient reason existed for the exemption of Oudh in this respect.²¹⁹

In an interesting manner in some cases the religious sanctions perhaps favoured perjury. The Brahmans enjoyed immense reverence from all Hindus irrespective of the level of their poverty, degradation and moral depravity. Whenever they were accused of some capital crime, a type of crime in which their participation was very frequent, some difficulty was experienced in prosecuting them. The assessors were often reluctant to return a verdict that guilt had been proved so as to escape being instrumental in their being sentenced to death.²²⁰ Many otherwise upright and

216. Tucker to JC, 28 November 1863, IFGenPr, August 1862, 1.

217. SCC to SFD, 17 October 1861, IFJPr, April 1862, 36.

218. Tucker to JC, 28 November 1863, IFGenPr, August 1862, 1; SCC to SFD, 1 February 1864, IFJPr, March 1864, 40.

219. SFD to CC, 15 March 1864, IFJPr, March 1864, 47.

220. CrJAR, 1872-73, 86.

respectable persons were reluctant to serve as assessors for fear of being called to assist in a trial of a Brahman accused of murder.²²¹ In at least one case an Extra Assistant Commissioner tried all that he could to procure the acquittal of a murderer for the only reason that the latter was a Brahman.²²² If such a sentiment was found so strong among the comparatively better educated, enlightened and respectable sections of the people, how much perjury and misrepresentation of facts by the illiterate and superstitious mass of the witnesses, appearing in the serious cases involving the Brahmans, must have occurred in Oudh, can only be imagined.

Of course there were legal sanctions against perjury and anyone accused of it could be prosecuted. But in practice this provision of the law was seldom invoked. There were very few trials for perjury though almost every officer believed in the extensive existence of the evil. The prerequisites for the trial of such an offence were minute and elaborate cross examination, a full record of the evidence and the willingness to prosecute the offenders.²²³ The absence of the help of the lawyers in most of the cases, who could cross examine the witness in detail, prevented the detection of many cases of perjury. The Magistrates would not sufficiently know the circumstances of each case to do it themselves. The system of recording only the notes of evidence in English by the judges prevented verbatim recording of the statements. It would be difficult to prosecute any witness on the basis of only the brief notes taken by the magistrates. The heavy duties of the officers of the Commission would forestall any attempt to launch a large number

221.JC to SCC, 22 May 1866, IJPr, November 1866, 17A.

222.JC to SCC, 30 April 1869, 41, IJPr, August 1869, 77.

223.JC to SCC, May 1861, 73, IPFPr, August 1861, 322.

of prosecutions for perjury. As a result the Oudh officers, though conscious of the evil being 'the bane of the Indian courts', could do little to check it systematically in spite of the directions of their superiors to do so.²²⁴

The corruption among the Amla or the subordinate staff of the courts was a notorious feature of the judicial administration of the province. The people were fleeced by them at every stage of the progress of their cases from the first contact with them to the time of obtaining the copies of the judgement of the court. The officers were fully aware of the corruption practised under them. But they felt helpless in checking it. They usually turned a blind eye to it because they were convinced that the successor of anyone dismissed for corrupt practices would soon fall in line with the others.²²⁵ The entire body of Amla was closely knit in this matter and would resist in a passive or overt way any attempt to check their corruption or influence.

The corruption among the subordinate judicial establishment was a direct legacy of the similar evil prevailing in the Panjab and the North-Western Provinces. Many among them were brought to Oudh by officers posted there from those provinces at the time of the annexation or on the reoccupation after the Revolt. Those men were adept in complicating the procedures and turning them to their own advantage. The Chief Commissioner ruefully remarked, 'Not only the old Amla system is introduced here, but very many of the old Amla themselves, the men skilled in every art by which power or its semblance is turned into cash'.²²⁶

224. Ibid.; JC to SCC, 16 May 1872, 8, and SCC to JC, 20 July 1872, CrJAR, 1871-72; CrJAR, 1872-73, 23.

225. SCC to SFD, 8 July 1862, 25, IFGenPr, August 1862, 1.

226. Ibid.

The endemic nature of the corruption among the court subordinates was partly the product of the system itself. The British judicial system was widely reputed to be very technical and incomprehensible, which indeed it was, for the common man. The people would not understand the procedures and in their anxiety to protect their interests from unknown technicalities, they would willingly fall prey to the designing Babus of the court. The latter would of course do their best to make the difficulties and complications of the system well known in exaggerated form and also emphasize that their help alone, which had to be purchased, could see any case through. When the Chief Commissioner directed that the giver of a bribe should be held as much guilty as the one who accepted it, the Amla shrewdly made the order widely known. Only after the order was withdrawn, did complaints against them begin.²²⁷

The pay allowed to the subordinate establishment was very low. This was one reason for the widespread corruption. The officers were aware of this fact and hoped to improve the situation by improving pay after the reorganisation of the office staff.²²⁸ This was, however, not done and they continued to be employed on inadequate pay. The pay of the clerks who were assigned work requiring only a knowledge of Urdu was especially poor.

The officers could not pay sufficient attention to the internal working of their offices and courts because of heavy work. Moreover, transfers in Oudh were very frequent while there was hardly any change in the Amla. They would guide the inexperienced young officers as well as those who were new to the district.²²⁹ On the

227. Ibid. 23.

228. JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

229. SCC to SFD, 8 July 1862, IFGenPr, August 1862, 1.

other hand the work of a vigorous and efficient officer would be obstructed. They would thus acquire enough capacity to obstruct or expedite the progress of any particular case. This would provide them with the means to demand bribes from the parties to the cases in the courts. The officers would find great difficulty in checking them.

The corruption of the Amla was very harrassing to the people. It made the prosecution of cases quite expensive and beyond the means of poor people. They would try to avoid being involved in any criminal proceeding, even if they were the victims of a crime.

There was a great and peculiar difficulty in cases involving European criminals which would be greatly enhanced if their victim happened to be Indian. They could be tried only by the Supreme Court, or after the Amalgamation Act and the establishment of the High Courts, by the High Court at Calcutta. The practice had some justification in the regime of the East India Company; Her Majesty's European subjects could claim the privilege of being tried in the Queens' Court, the Supreme Court which was established by a Royal Charter. But the assumption of the administration of India by the Queen altered the situation by putting all the courts under the category of royal courts of justice. Still the non-official Europeans were extremely sensitive to any attempt to curb their right to be tried by the Supreme Court or its successor, the High Court.

This privilege involved the transportation of all the European prisoners and witnesses to Calcutta, a distance of over seven hundred miles from Oudh. It was very time consuming and it involved great expense. The Government, as a result, considered

in each case, especially if the outcome of the prosecution was in doubt, whether it would be worthwhile to undergo all the expense and the trouble involved. Even in a case of homicide by a European the Government officially suggested to the Chief Commissioner that he should let the case drop if a compromise could be arrived at between the next of kin of the victim and the culprit.²³⁰ A great majority of cases of less important crimes were compounded or passed over.²³¹

As far as private individuals were concerned the expenses involved in launching a prosecution at Calcutta were usually quite unbearable.²³² The number of Europeans in Oudh in business and other callings was large and it was steadily increasing. The extension of the railway to Oudh brought in a greater number of them every year. They had close dealings with the local people in all types of civil and commercial transaction. But they enjoyed practical immunity from prosecution of offences like criminal breach of trust, fraud, forgery, trespass and many others.²³³

Often some local officers adopted a very partisan attitude. The Deputy Commissioner of Gonda, in spite of clear and overwhelming prima facie evidence against two European army officers accused of raping two local women, was prepared to acquit them on a very

230. SFD to CC, 21 January 1862, IFJPr, January 1862, 12. In another case of homicide even the blood money was paid, not by the accused but from a fund raised by subscription for the purpose. Vide CrJAR, 1871-72, 40-43.

231. Elgin to Wood, 22 June 1862, Elgin Collection.

232. Even the Delhi Bank preferred not to prosecute a European forger of Lucknow because of the cost and inconvenience involved. Vide JC to SCC, 12 July 1862, IFJPr, August 1862, 16.

233. Campbell cited a case where a European and a local businessman had many claims and counterclaims against each other. The former prosecuted the latter for breach of trust and got him imprisoned. The latter could not return the compliment for the obvious difficulties. Vide JC to SCC, 7 March 1862, IFJPr, April 1862, 51.

unjudicial presupposition: he argued, 'it must be borne in mind the very great improbability that two European officers occupying the position they do, should so far have forgotten themselves as to have allowed themselves to have been led into the commission of an offence nearly the gravest in the calendar.'²³⁴ Even when a prosecution was launched in the Supreme Court often the juries, composed of local non-official Europeans who as a class were imbued with strong anti-government and racial feelings, would not hesitate to acquit a European on very insufficient grounds.²³⁵ Many of the judges were often partisan in their judicial pronouncements.²³⁶ Even if the criminals were found guilty and sentenced, pressure from the Anglo-Indian press and public would often be brought to bear upon the government to force it to mitigate the severity of the sentences.²³⁷ It is noteworthy that no European criminal had been executed at Calcutta before 1861.²³⁸

The situation always acquired racial overtones when a European stood trial for a criminal offence against an Indian. The Government would at once be faced 'with the extreme difficulty of administering equal justice between the Europeans and the natives'.²³⁹ The Revolt

234. Findings of DC Gonda, 3 November 1862, IFJPr, April 1862, 14.

235. Advocate General to SFD, 6 December 1861, IFJPr, January 1862, 11.

236. The judgement entered by the Chief Justice B. Peacock and Justice Wells in the celebrated Nil Darpan case is perhaps the most notorious example of the partisan attitude of the judges. Frere wrote about the judgement, 'I have never felt so ashamed of our Supreme Court judges on the bench.' Vide Frere to Wood, 9 August 1861, Wood Collection. Wood was shocked at his belief, that 'any English lawyer would consider the appearance at least of impartiality as a sacred obligation', being shattered rudely by the Nil Darpan case. Vide Wood to Canning, 9 October 1861, Wood Collection.

237. Elgin to Wood, 22 June 1862, Elgin Collection.

238. The Indian Observer, 20 June 1862, enclosed with Elgin to Wood, 22 June 1862, Elgin Collection.

239. Elgin to Wood, 22 June 1862, Elgin Collection.

had fanned racial animosities. Canning and Elgin were reluctant to alter the status quo although there was nothing in the Acts or Charters to debar the courts in Oudh from trying Europeans; they wished to avoid a bitter conflict between the government and the non-official Europeans.²⁴⁰ It was 'not a question of merely legal aspect but public policy'. Although Elgin was aware of the 'inconvenience and scandals attending the continuation of the prevalent practice of sending European criminals to Calcutta for trials', he preferred to let it continue.²⁴¹ However, when a High Court was established for the North-Western Provinces, it was decided to put the Europeans in Oudh under its jurisdiction.²⁴² This decision improved the situation considerably and the prosecution of Europeans was facilitated by the proximity of the court to Oudh.

The punishment of European criminals was usually very lenient - too lenient in fact. For instance, the punishment awarded for horse whipping a man was only a fine of five rupees.²⁴³ When Lytton, scandalised by the miscarriage of justice in a too lenient sentence, censured both the magistrate of Agra and also the High Court of the North-Western provinces for having defended the magistrate, he was savagely attacked by the Anglo-Indian press. The shower of abuse and denunciation did not abate for months. When the Indian press joined the fray in defence of the Viceroy and indicted 'the whole administration in British India',

240. Advocate General to SFD, 6 October 1861, IFJPr, January 1862, 11; SFD to CC, 21 January 1862, IFJPr January 1862, 12.

241. Notes of SFD and GG, FJC, Part A, April 1862, 50-51 and K.W.

242. Notification, HD, 30 June 1866, IJPr, July 1866, 39.

243. CrJAR, 1871-72, 40-43.

the situation became very bitter.²⁴⁴ Such a fierce controversy provided a foretaste of the racial antagonism which was to come in connection with the Ilbert Bill. In the meantime, though every case of miscarriage of justice in Oudh, was not given a similar airing, it must have left in the minds of the local people some feeling of insecurity against the high-handedness of the Europeans and a conviction of being denied justice by the courts.

The problem of the adequacy of punishments for various types of crimes engaged the attention of the administration throughout the period under study. There is, however, no available evidence to indicate that the local administration or the magistrates had a clear cut conception of the role of punishment in penology. In the nineteenth century systematic thinking on the problems relating to criminology had started and it was being realised that the judicial sentences against a criminal should have other aims than mere retribution or even deterrence. But such theoretical considerations take some time before they filter down to administrators and are adopted in practice by them.

The aims of punishment, besides providing for expiation of a crime by its perpetrator, can be retribution, deterrence and reform. By the beginning of the nineteenth century the retributive element in punishment had been abandoned in British territory, except perhaps in the case of murder. The principle of a life for a life continued to be in operation but that demanding a limb for a limb had been given up. It is noteworthy that the Indian Penal Code, the magnum opus of nineteenth century penological thinking in India, did not insist on the extreme penalty in law even in the case

244. Lytton to Salisbury, 27 August 1876 and 30 July 1876, Lytton Collection; SHD to SNWP, 7 July 1876, 21. The case in question was the trial of Fuller, a pleader at Agra, for the homicide of his groom. He was sentenced to a fine of only thirty rupees.

of all murders; the alternative punishment of transportation for life, if there were extenuating circumstances, was provided.²⁴⁵ Essentially retributive punishments like mutilation and torture, which the Muslim penal law as well as some Hindu systems provided for, and were still awarded in most of the Indian States, had been completely done away with in the British territories. Even the flogging of women convicts was abolished in 1825.²⁴⁶

The abolition of retributive punishments caused some inconvenience in new acquisitions such as Oudh. The punishments under the Nawabi, which enforced the Muslim law, for even minor crimes, such as petty crimes against property, would be mutilation. When such punishments were abandoned after the annexation, the criminal elements, according to executive officers, felt relieved. The new punishments, in comparison to their earlier experience, held no terror for them. The Oudh administrators thought it to be a significant cause of the great increase in petty crimes against property.²⁴⁷

The emphasis was overwhelmingly on the deterrent aspect of judicial sentences; reform was only a secondary object, and a laudable one only if it could be combined with deterrence. A primary emphasis on the reformative aspect of punishment is largely a twentieth century phenomenon although a need for it was being realised in the earlier period. The Lord Chief Justice of England had stated in a report as late as 1865: 'It is on the assumption that the punishment will have the effect of deterring from crime that its infliction can alone

245. Indian Penal Code, section 302.

246. Cambridge History of India, vi, 383.

247. JC to SCC, 28 April 1862, 31, IFJPr, December 1862, 11; SCC to IG, 2 July 1863, IPPr, April 1864, 25.

be justified'.²⁴⁸ George Campbell, the Judicial Commissioner of Oudh, who was an officer with some theoretical flare, had the same opinion; he wrote: 'After all the punishment must be the first object; making the jails pay by profitable labour and petting and rewarding the prisoners in the idea that they are being reformed must come second'.²⁴⁹ It might seem amusing that even the education of illiterate prisoners was rarely considered by senior and responsible officers as a vehicle of correction; its principal aim was to make the life in prison more irksome, and, therefore, more deterrent.²⁵⁰ Only rarely does one come across an expression of anxiety to make the prisons an agency of reform.

There were little or no attempts at the correction or rehabilitation of adult criminals. Some sporadic efforts were made to educate a small proportion of the prisoners even though with a view to make life harder for them. Hardly any conscious attempts were made to systematically train them in various crafts, which could be a source of their honest livelihood after their release. It must, however, be conceded that it was a difficult and often a hopeless task in a society where the trade that anyone could adopt was decided by the accident of birth in a particular caste and not by his ability and training. Nothing was done to rehabilitate men after the completion of their prison term. People would naturally hesitate to employ them. The police would make their readjustment in society harder by inquisitorial enquiries about their movements and activities.

Some attempt was, however, made to reform juvenile criminals.

248.AAR, 1869-70, 327.

249.Campbell, G: Memoirs of My Indian Career, ii, 70.

250.USHD to CC, 7 September 1874, IJPr, September 1874, 4; AAR, 1873-74, 63.

A juvenile reformatory was established at the Central prison, Lucknow. All criminals below the age of sixteen were sent there from all over the province.²⁵¹ The emphasis in the reformatory was more on correction than deterrence. They were given a basic education there as well as a training in some trade which they could adopt after their release.²⁵² But in their case also the caste restrictions and prejudices would restrict their choice of calling as a free man. Dr. Corbyn, the Inspector of Prisons, was worried about the problem of their rehabilitation after their release on this account. He advocated the establishment of a workshop, aided by the government, to provide employment for released juvenile criminals.²⁵³ The proposal, though a good and forward looking one, was never sanctioned; presumably finance was the main obstacle. The juvenile criminals, too, like those of the other age groups, were left to their own resources to face the problems of rehabilitation in a hostile society.

The main aim of the administration was to make the judicial punishment deterrent enough to discourage crime. The entire correspondence reverted again and again to this aspect of judicial sentences. Still, the penal system in Oudh was not very successful even in this limited objective as the rising trend in crime demonstrated.

The Penal Code was a remarkable piece of legislation incorporating a systematic and rational treatment of crime and its punishment. It provided for sufficiently severe sentences for every crime. But

251. SCC to SHD, 2 April 1866, IJPr, April 1867, 33.

252. Note by Howell on Jails and Jail Discipline in India, 148, HJC, A, 7 November 1869, 55-72.

253. Inspector of Prison to JC, 28 January 1866, IJPr, April 1866, 33.

it provided for a minimum sentence only under two of its sections.²⁵⁴ This was necessary to make its provisions elastic enough to suit the needs of the infinite variety in the degree and nature of offences in real life. This resulted in the exercise of a very wide discretion by various judicial officers. This naturally led to some variety in actual practice. The judgement of such officers was often affected by their subjective conception of the relative seriousness of the crime under consideration. To some extent uniformity in practice was enforced by the system of the review of cases even in the absence of appeal. The appellate courts in Oudh had the power to enhance or reduce the sentence on appeal. However, the Criminal Procedure Code interdicted the enhancement of the sentence on appeal.²⁵⁵ This caused considerable difficulty as it made the enforcement of uniformity of practice in the case of inadequate sentences impossible. This problem became still more serious in 1866 when subordinate magistrates like Tahsildars and Honorary Assistant Commissioners were authorised to hear cases of many comparatively serious offences, such as voluntarily causing hurt, highway robbery and burglary. The subordinate magistrates could award a punishment of only up to six months in prison. Of course the Criminal Procedure Code provided that if a higher punishment than the magistrate trying any case could award, was needed, he could refer the case for sentence to the appropriate court.²⁵⁶ But the very fact that a magistrate could try a case often tempted him to pronounce sentence, though it might be inadequate.

The punishment awarded by the magistrates in Oudh tended to be lenient. Indian magistrates especially were generally supposed to pronounce lighter sentences than were appropriate.²⁵⁷ They were specially averse to award corporal punishment and could get over their reluctance in this respect only by the end of the period under

254.JC to SCC, 22 May 1866, 29, IJPr, November 1866, 17A.

255.Ibid., 33.

256.Ibid.

257.JAR, 1865-66, 32, IJPr, November 1866, 17A.

study.²⁵⁸ Most petty crimes were tried by Indian magistrates. The leniency of their sentences was widely considered by the authorities to be one of the causes of the great increase in petty crimes against property as well as some other offences like adultery.²⁵⁹

A fear of spoiling the returns also sometimes caused the award of a lenient sentence. All cases in which sentences were reduced on appeal were included among the cases in which judgement was either modified or reversed by the appellate court in judicial returns. This developed a tendency in the system to encourage leniency in sentencing so that judgements would be shown in the returns as confirmed.

A significant feature of the judicial punishments after the reoccupation was the extensive use of flogging. It indicated the official view of the appropriate nature of punishment; it had no pretensions to correction as it could only deter criminals from committing crimes. Almost all those in offices of responsibility either advocated or concurred in its extensive use after the reoccupation. Outram recommended flogging and fines as principal means of punishment. He had lost faith in the utility of prisons which he characterised as 'pleasant purgatories'.²⁶⁰ The Government of India concurred with him and directed the maximum use of the lash as a punishment after the reoccupation of Oudh.²⁶¹ Montgomery, Wingfield and Campbell acted in full agreement with the government.²⁶²

258.AAR of NWP, 1877-78, 50.

259.JC to SCC, 13 May 1861, IPFPr, August 1861, 322; AAR, 1862-63, 100; DC Sultanpur to JC, 31 August 1866, IJPr, February 1867, 69.

260.Memorandum of Outram, FPC, 5 November 1858, 192.

261.SFD to CC, 6 October 1858, FPC, 5 November 1858, 193.

262.SCC to all CRs, 14 October 1858, FPC, 12 November 1858, 197-200; JC to SCC, 3 May 1861, 43, IPFPr, August 1861, 322; SCC to JC, 22 June 1860, 12, IPFPr, November 1861, 280.

The unanimity on this question was perhaps partly the result of the bitter experiences of the Mutiny which caused a tendency towards a more summary, though brutal, punishment. Moreover, it was thought to be indispensable because Oudh, being a new province, hardly possessed any prison accommodation. There was a certainty that the number of convictions would far outstrip the available jail accommodation for a long time.²⁶³ Corporal punishment had the additional advantage, from the official point of view, of keeping down the cost of the prison establishment. Campbell argued that it would save casual offenders from the corruption that imprisonment along with hardened criminals always entailed. Most of all, it was considered to be a very dreaded, and therefore deterrent, punishment.²⁶⁴ The convict thus punished would carry the scars, and the resultant stigma, on his back for life.

However, as the administration settled down, shortcomings of flogging in practice became apparent. It is, by nature, a summary and irrevocable punishment. Once it is administered it cannot be appealed against. Therefore, the government took care to authorise only the magistrates with full powers to award it.²⁶⁵ Still many officers misused such powers. It was a favourite mode of punishment for officers with a quick temper and a hasty and intolerant nature. Some officers resorted to it more freely as it could not be appealed against and their judicial returns would escape being spoilt by the modification of their sentences by the appellate courts.²⁶⁶ In 1860 alone fourteen officers, including five Deputy Commissioners

263. SCC to all CRs, 14 October 1858, FPC, 12 November 1858, 197-200.

264. JC to SCC, 3 May 1861, 43, IPFPr, August 1861, 322.

265. SFD to CC, 6 October 1858, IPFPr, 5 November 1858, 193.

266. Campbell, op. cit., ii, 69.

out of twelve, awarded corporal punishment in an illegal manner for offences for which it was not prescribed.²⁶⁷

It became apparent soon that corporal punishment could be carried to the point of brutality and danger to the life of the convict by inexperienced magistrates. Many persons lost their lives in Faizabad as a result of complications following a severe flogging.²⁶⁸ As a result the maximum number of stripes, that could be awarded, was limited to one hundred in 1860; a few months later it was reduced to fifty.²⁶⁹ Flogging in instalments was also interdicted as it was considered to be revolting because of the brutality involved.²⁷⁰ The effect of flogging was so open to doubt that there was a great difference of opinion as to its equivalence in terms of imprisonment.²⁷¹ In view of the difference of opinion among the senior officers, it was not surprising that young officers sometimes exceeded the safe limits of the punishment.

Its greatest defect was that it was very unequal in effect upon the convicts.²⁷² The severity of its effect varied from prisoner to prisoner according to the station in life to which they belonged and according to the condition of their health and constitution. For instance, it was noticed that its effect on hardened criminals and the people of the low and labouring classes was much less than its effect on the people of the higher castes and those belonging to the economically better off sections of society.²⁷³ The

267. JC to SCC, 13 May 1861, IPRPr, August 1861, 322; SCC to SFD, 16 July 1861, FPr, A, August 1861, 296.

268. JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

269. SCC to SFD, 6 August 1860, IPFPr, December 1860, 815; SCC to SFD, 16 July 1861, FPr, A, August 1861, 296.

270. Ibid.

271. SCC to SFD, 20 June 1860, IPFPr, December 1860, 814; JC to SCC, 21 August 1860. IPFPr, December 1860, 822.

272. SCC to SFD, 25 April 1862, IFJPr, December 1861, 11.

273. JC to SCC, 3 May 1861, IPFPr, August 1861, 322; JC to SCC, 25 April 1862, IFJPr, December 1861, 11; SCC to SFD, 11 July 1863, IFJPr, July 1863, 240.

administration was conscious of this feature and it exempted respectable men with an unblemished character up to the time of their conviction from such punishment.²⁷⁴ Such an exemption from a punishment, which was purely deterrent in character, of those classes which would be deterred most from further crime was illogical. It perhaps reflected the administration's concern for the upper and respectable classes of Oudh whose confidence and attachment it especially desired to win. The effect of flogging also varied according to the type of lash used, the mode of its application and the skill of the executioner.²⁷⁵ It was almost impossible to use it with an equal degree of severity at all times.

The use of the lash was done away with after the introduction of the Penal Code in 1862. Its abolition immediately led to a sharp increase in the jail population.²⁷⁶ The same effect was obtained in other provinces. Therefore, it was reintroduced by Act VI of 1864. Its severity was, however, limited. Very few convicts in Oudh were awarded more than twenty stripes.²⁷⁷ It was the experience of the officers that its deterrence was greatly increased when it was combined with a prison term.²⁷⁸ But under the new Act, it could be combined with a term of imprisonment only in case of a second conviction for exactly the same offence. They could not be so combined if the second conviction was for a different offence although belonging to the same class.²⁷⁹ For instance, a man with an earlier conviction for simple theft could not be awarded the combined punishment for committing burglary or theft attended with hurt.

274. SCC to SHD, 13 September 1867, IJPr, April 1868, 14.

275. CrJAR, 1872-73, 67.

276. SCC to SFD, 11 July 1863, IFJPr, July 1863, 24.

277. JC to SCC, 26 April 1865, IJPr, September 1865, 47.

278. JC to SCC, 28 April 1862, 45, IFJPr, December 1862, 11.

279. JC to SCC, 22 May 1866, IJPr, November 1866, 17A.

Experience in Oudh proved that corporal punishment was not an ideal penal measure. The wide experience gained by its extensive use after the reoccupation brought out its shortcomings. It apparently failed in its very limited aim of deterrence. Its extensive use as a punishment for petty crimes against property, which increased by leaps and bounds during the decade and a half after the reoccupation, amply demonstrated its failure. As a result its use even after its reintroduction after 1864 remained limited in the province. Only about 13 per cent of convicts were ordered to be whipped in the 'seventies in Oudh.²⁸⁰

The prison system in Oudh during the period under study was unequal to the main task then expected of it - to make punishment deterrent by imposing rigorous labour upon its inmates. The jails were always overcrowded. Within few years after the reoccupation a Central Jail at Lucknow and divisional and district prisons were constructed. But the steeply increasing crime meant that the need for prison accommodation always exceeded that available.²⁸¹

After the abolition of flogging as the principal means of punishment in 1862 the problem of overcrowding in prisons became very acute. The jails often held double the number of prisoners for which they were constructed.²⁸² Under such conditions it was extremely difficult to enforce jail discipline in its full rigour and put all the prisoners to hard labour.

The prisons in Oudh were ill equipped for work of rigorous and irksome nature.²⁸³ Only the Central prison at Lucknow was

280.AARs and CrJARs, 1870 to 1877.

281.AARs, 1859-60, 1860-61, 1861-62 and 1862-63.

282.AAR, 1866-67, 73.

283.AAR, 1869-70, 332; AAR, 1871-72, 150.

equipped with a treadmill, and that too remained out of order for a long time due to the non-availability of spare parts.²⁸⁴ Some attempts were made to improvise some equipment requiring hard labour such as raised mills for grinding corn while standing and oil presses. But such equipment would hardly meet the need of putting an ever increasing number of prisoners to hard labour. As a result only about 40 per cent of the prisoners sentenced to imprisonment with hard labour could be put to laborious tasks.²⁸⁵ Officers rightly considered that the prison arrangements watered down the judicial sentences qualitatively and made them inadequate.²⁸⁶ They thought that the loss in rigorous character of imprisonment led to a decrease in the deterrence of punishment.²⁸⁷

The lack of equipment and facilities for hard labour within the jails led to the employment of prisoners on extra-mural work. A large number of the prisoners were employed on construction sites by the Public Works Department and municipalities.²⁸⁸ The change in environment and a decline in the monotony involved in extra-mural work was considered to reduce the rigorous nature of labour.²⁸⁹ The days of open air prisons and their beneficial reformatory effects were still far off. The less deterrent effect of this type of labour became still less deterrent for most of the prisoners in Oudh. They came from the poorer sections of society who had to work hard to eke out their meagre living. The work on projects outside the jails would perhaps not be much harder than what they would do in a normal day when free. A very large proportion of prisoners

284.AAR, 1869-70, 333.

285.AAR, 1871-72, 334.

286.Ibid., 423; Note of Howell on Jails and Jail discipline in India, HJC, 7 November 1869, 55-72.

287.Ibid.; SHD to CC, 15 November 1875, HJC, A, November 1875, 21.

288.SCC to SFD, 19 May 1865, IJPr, June 1865, AAR, 1863-64, 44; SHD to CC, 15 November 1875, HJC, A, November 1875, 21.

289.AAR, 1871-72, 331, AAR, 1868-69, 72.

were employed in jail services.²⁹⁰ Such services were performed by the prisoners belonging to the castes which could normally perform them. The respect for caste rules ever shown by British administrators would permit no deviations from them.²⁹¹ As a result there would not be any sting in the menial services to which the prisoners were assigned. The administration was aware of these features of the management of prison labour which adversely affected the deterrent aspect of punishment. By the end of the period under study, after repeated admonitions from the authorities, the proportion of prisoners put to intra-mural labour was increased while the number of those employed in jail services was reduced significantly.²⁹²

Another factor that affected the rigorous character of prison labour was the financial return from it. The paramount need for economy in all the branches of administration after the Revolt resulted in an increasing emphasis on making prisons as self sufficient as possible.²⁹³ As a result a large proportion of prisoners were put to work on manufactures with a higher return though involving less rigorous labour.²⁹⁴ The local administration was conscious of the incompatibility of the rigorous and remunerative labour, but it felt helpless because of the absence of enough means in jails to put the inmates to hard labour.²⁹⁵ But there are reasons to suspect that it was really not keen to forsake the profitable employment of prisoners. The equipment for putting prisoners at hard labour, such as heavy grindstones, manual oil presses and the like was crude, locally available and cheap. Every prison in

290.AAR, 1869-70, 411.

291.A jail doctor was punished by removal from civil employ for having administered beef tea to a Brahman prisoner in order to save his life in Sultanpur jail. Vide SCC to SFD, 25 September 1863, IFGenPr, October 1863.

292.SHD to CC, 5 December 1872, HJC, A, January 1872, 13.

293.AAR, 1870-71, 149-50.

294.AAR, 1868-69, 84.

295.AAR, 1869-70, 423.

the province need not necessarily have been equipped with imported and expensive tread mills. It is noteworthy that oil pressing, a rigorous task with a reasonable return, was assigned to only about one per cent of prisoners.²⁹⁶ Higher returns from prison labour at a time of financial stringency were presumably not unwelcome. However, the jail manufactures were not as profitable as the authorities expected them to be; they regretted that the prison labour in Oudh was 'neither penal nor profitable'.²⁹⁷ They perhaps overlooked the fact that forced labour is rarely as productive as free labour and set their expectations too high.

The great poverty of the vast majority of people in Oudh must have adversely affected the deterrent nature of life in prisons. Most of the people lived below subsistence level and even one season of unfavourable rains would drive them to desperation. The prisoners were given an adequate though rough diet, which most of the people could not afford by their normal honest labour, especially in a period of economic distress. Only a minority in Oudh, for instance, could afford wheat which was a regular item of food supplied to prisoners.²⁹⁸ It was a notorious fact that most of the prisoners weighed more by the time of their release than when they entered prison. This fact when coupled with the none-too-hard nature of prison labour might even have tempted the criminal classes. In times of drought and near-famine conditions, jails in practice tended to acquire a character of 'extensive poor houses rather than penal institutions'.²⁹⁹

296. Resolution, HD, 19 June 1875, HJC, A, June 1875, 227; Note of Plowden 27 November 1874, HJC, A, June, 1875, 227.

297. AAR, 1871-72, 423.

298. IG to SCC, 1 May 1873, IPPr, April 1864, 25. The Inspector General wrote that a criminal told him: "At home with difficulty we get coarse roti (unleavened bread) to eat; in jails we have wheaten roti".

299. Inspector of Prisons to SCC, 22 March 1870, IJPr, July 1870, 10.

Capital punishments and transportation for life were the highest penalties that could be imposed by the courts. They were prescribed for murders. Judges generally preferred transportation if the slightest doubt existed about the crime having been committed by the accused because any judicial error, if discovered later, could be corrected.³⁰⁰ Transportation beyond the seas was almost as dreaded in Oudh as capital punishment.³⁰¹ Hindus regarded the voyage involved in transportation with great terror as it was forbidden by their religious beliefs. In fact, cases of convicts begging to be awarded a capital sentence instead of transportation were not rare.³⁰²

Prisoners were only sentenced to transportation for seven or more years. Just after the reoccupation the paucity of prison accommodation led to the transportation of prisoners sentenced to imprisonment for three years or more.³⁰³ The Supreme Government authorised the local administration to render hardened criminals, who would not give up a life of crime even after repeated convictions, permanently incapacitated for causing further crime by transporting them for life.³⁰⁴

However, in spite of the religious prejudices of the Hindus, the punishment of transportation lost much of its terror in course of time. Many returned convicts gave a good account of life in the Andamans. They told stories of comparative freedom allowed to them there. Prisoners were even permitted to marry there if

300. Campbell, G., Memoirs of My Indian Career, ii, 69.

301. Ibid.

302. SCC to SHD, 1 June 1874, -IJPr, July 1874, 76.

303. SCC to SFD, 1 October 1859, IPFPr, 14 October 1859, 200; JC to SCC, 3 May 1861, IPFPr, August 1861, 322.

304. CrJAR, 1875-76, 44.

their behaviour was good.³⁰⁵ Such descriptions would naturally reduce the dread of that type of punishment.

On the whole the punishment for serious and violent crimes seemed to be generally adequate and deterrent during the period under study. It is exemplified by the fact that such crimes remained in sufficient check. However, the same cannot be said about petty crimes against property which increased tremendously over the years.³⁰⁶

After the reoccupation of the province in 1858 the administration started with a great determination to cleanse the judicial system of the elements which made it unpopular and even dreaded by the people. It was resolved to simplify it and make it more accessible to, and comprehensible by, the people. The government did not hesitate to experiment with new features in order to achieve its aim. Campbell heartily laboured to organise a good system of criminal justice. He acted with vigour and energy to remedy the problem of inefficiency and corruption of the Amla. The efforts of the administration were successful to a certain extent. But the old and traditional evils of the judicial system in British India continued to plague the local administration to a large extent. The mass of the ignorant people still could not understand the laws and procedure, simplified though they were by the Codes. The Courts were too few and far between for the needs of the province. The corruption of the Amla could not be rooted out. The courts were still surrounded by rapacious touts and Vakils because of the formality and technicality of the procedure. The adequacy of the punishments

305.JC to SCC, 22 May 1866, IJPr, November 1866, 17A; SCC to SHD, 19 June 1874, IJPr, July 1874, 76.

306.See table 6.21. Chapter 6, infra.

awarded by the courts would seem to be doubtful when one finds a much higher rate of crime in the second half of the period under study than the first. The victims of petty crimes against property still desired to avoid involvement in criminal trials of the perpetrators.³⁰⁷ Many of these defects could be corrected by opening more courts in the interior, the finances for which the government was not willing to allocate. There were very few branches of the government in which such thrift was more unwise.

307. See chapter 6, infra.

CHAPTER 6

Crime in Oudh, 1859-77

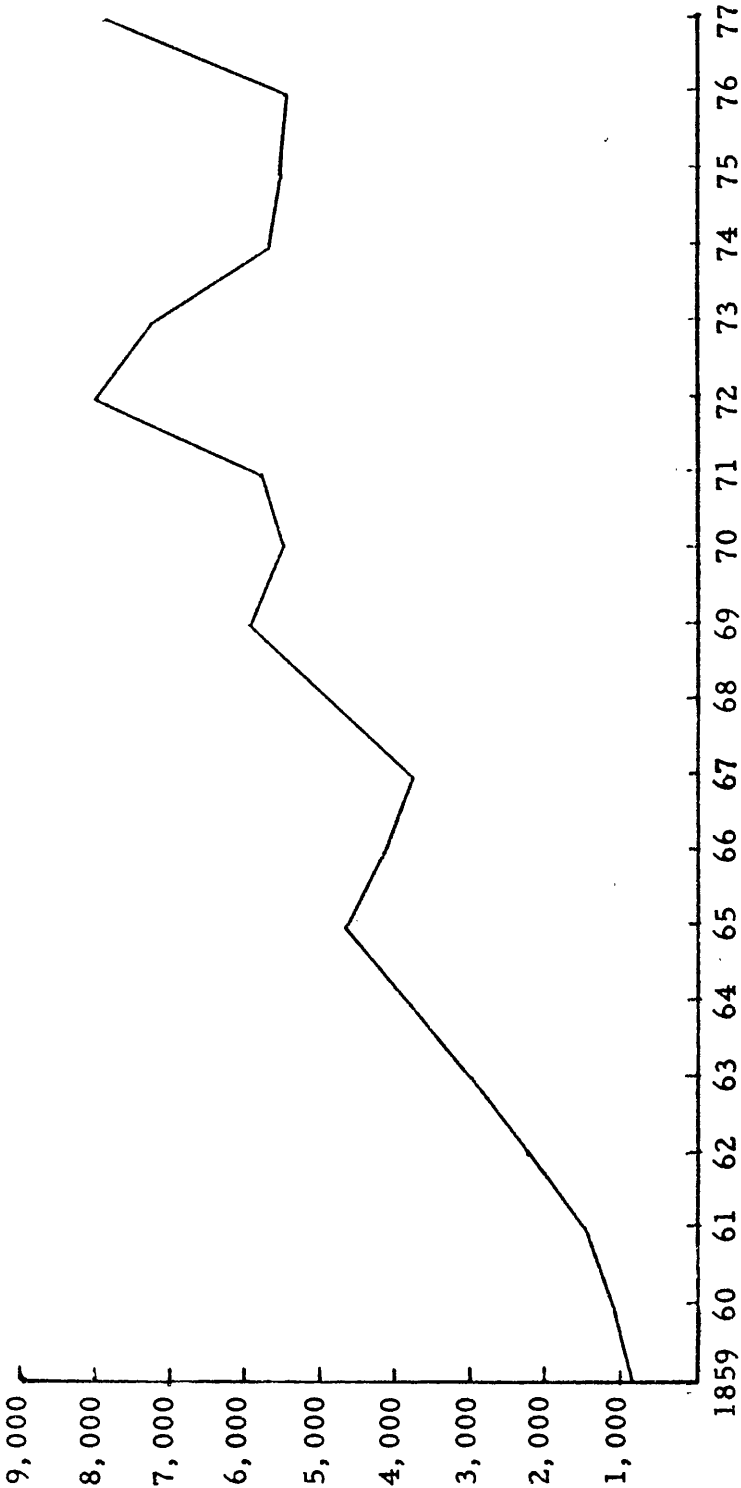
One of the principal reasons officially assigned for the annexation of Oudh was the breakdown of law and order and the great insecurity of life and property under the King's rule. The preliminary period of British rule in 1856-57 was transitional in character, too short for crime to have been tackled in any systematic and organised way. The following nineteen months saw anarchical conditions prevailing in Oudh. The reoccupation of the province was followed by a lull in criminal activities. The stern measures taken to suppress the revolt and to disarm the population had left the criminal elements dazed. Besides, a period of great political upheaval is usually followed by a lull in criminal activity. However, the lull did not deceive the Supreme Government.¹ Soon afterwards a rising trend in crime appeared and continued for well over a decade. An analysis of this trend in general and of various types of crime, their causes and their regional and social distribution, will be attempted in the following pages.

The total of cognizable crimes rose very sharply from 9,635 in 1859 to a peak of 90,303 in 1872.² The crime curve in chart 6.1. for the period 1859-77 shows a long term steep rise up to 1872. The rise is broken only twice, by falls in 1866-67 and in 1870, thus giving the curve a jagged look. After 1872 there followed a four-year period of decline in crime. But even in 1876, a year of unusual

1. SFD to CC, 12 August 1859, IPFPr, 12 August 1859, 146.
2. The Chief Commissioner, in AAR, 1859-60, did not consider the crime figures for 1859 to be very reliable. But the crime figures of later years suggest that a possible error in reports of crime in 1859 would not have materially affected the rising trend. See table 6.1.

CHART 6.1.

All cognizable crimes, 1859-77 - Number of cases per million of population



plenty, the number of crimes was higher than in any year before 1869. The Chief Commissioner estimated in 1877 that the number of crimes in any one year in the 'seventies would normally amount to about 63,000 the average number of crimes for the years from 1874 to 1876.³ However, the famine conditions of 1877 caused a sharp increase in crime. Table 6.1. exhibits the rise and fall in the incidence of crime from 1859 to 1877.

TABLE 6.1.⁴

Incidence of cognizable offences and the rate of their growth.

Year	Cognizable offences	Growth over the preceeding year in p. c.	Incidence per million people
1859	9,635	-	862
1860	12,601	30.78	1,127
1861	16,996	34.87	1,520
1862	25,027	47.25	2,239
1863	34,173	36.54	3,057
1864	42,472	24.28	3,799
1865	52,171	22.83	4,667
1866	46,552	-10.77	4,164
1867	42,887	- 8.66	3,837
1868	55,043	28.34	4,924
1869	66,897	21.53	5,984
1870	61,468	- 8.12	5,499
1871	65,237	6.13	5,836
1872	90,303	38.42	8,078
1873	82,458	- 8.68	7,376
1874	64,349	-21.96	5,757
1875	62,923	- 2.22	5,629
1876	61,502	- 2.26	5,502
1877	88,795	44.38	7,943

3. AAR, 1876-77, 127.

4. The data for table 6.1. are extracted from AARs, 1859-76 and AAR of NWP, 1877-78.

Table 6.1. shows a very high rate of growth of crime in Oudh, the highest in any single year being 47.25 per cent in 1862. The mean annual growth between 1859 and 1872 amounted to 18.78 per cent; during the whole period under study it amounted to 13.13 per cent. During a period of fourteen years from 1859 there was a ten-fold increase in the number of crimes. It was a staggering increase indeed.

The criminal world in Oudh was dominated by males. The annual Jail Administration Reports indicate that only about ten per cent of the prison inmates were women. If 63,000 be assumed to be the average number of cognizable crimes in a normal year at the close of the period under study, 90 per cent or about 56,700 of them were committed by criminals from among 3,636,333 males above twelve years of age.⁵ This would mean an incidence of one crime for every sixty four men of Oudh. In 1872, the year of acute economic distress, the proportion rose to one crime per forty five men.

The high incidence of crime in Oudh and its steep rise caused great worry to the authorities. Police officers tried to ascribe it to increasingly faithful reporting by the Chaukidars.⁶ Some part of the rise in the early years might have been more apparent than real because of this fact; it must have taken some time to instil in the rural police the habit of prompt and faithful reporting of crime. But once the system became set in about a couple of years the crime figures must have reflected a real increase in spite of the protestations of police officers to the contrary. The Chief

5. SCC to SFD, 29 July 1869, F. Gen C, August 1869, 49-50.

6. AAR, 1860-61, 29; IG to SCC, 1 May 1863, IPPr, April 1864, 25.

Commissioner and some Commissioners were not prepared to accept this explanation after 1862.⁷

The incidence of crime in Oudh was much higher than in the neighbouring provinces. In spite of being nearly three times in area and population, the North-Western Provinces recorded 29,820 cases of theft of all kinds in 1863 as compared to 31,152 in Oudh.⁸ Still later, in 1866, property in Oudh was much less secure against all kinds of offences than in the North-Western Provinces, the Panjab and the Central Provinces.⁹ Table 6.2. illustrates their comparative position.

TABLE 6.2.¹⁰

Comparative incidence of crimes against property in Oudh and its neighbouring provinces in 1866.

Provinces	All crimes against property	Population	Offences per million, people	Area in square miles	Offences per square mile
Panjab	21,384	17,593,946	1,215	95,768	0.22
North-western Provinces	50,354	30,086,898	1,674	83,690	0.60
Central Provinces	17,783	7,987,476	2,226	82,839	0.21
Oudh	48,797	11,178,489	4,365	23,925	2.04

The police officers in Oudh tried to explain the very high incidence of crime in comparison with other provinces by asserting that the system of reporting in Oudh was much better than elsewhere.¹¹ This could

7. AAR, 1861-62 and 1862-63.

8. SCC to IG, 17 June 1864, 17 and 25, IPPr, August 1864, 41.

9. IG to SCC, 20 February 1867, 241, IPPr, June 1867, 41.

10. The data for the provinces other than Oudh are extracted from Ibid. The population figure for Oudh has been taken from The Gazeteer of the Province of Oudh (1877). The area has been extracted from AAR, 1876-77.

11. SCC to IG, 17 June 1864, IPPr, August 1864, 41.

only have applied to a limited extent. No government with the least claim to efficiency could have tolerated the concealment of one-third to two-thirds of all crimes. George Couper, the Lieutenant Governor of the North-Western Provinces, who had earlier served as the Judicial Commissioner of Oudh for about a decade, admitted in 1878 that there was a much higher incidence of crime in Oudh than in the rest of the area under his charge.¹²

Couper attributed the high rate of crime in Oudh to 'the undoubted comparative poverty of the people.'¹³ In spite of being gifted with fertile soil and a hardy and industrious people, the poverty in Oudh was appalling. Most of the people lived below the subsistence level. The condition of housing is usually a visible index of the economic condition of a people. Even after a decade of settled British rule only 1.25 per cent of all the houses in Oudh were masonry buildings. Only in four districts, Lucknow, Faizabad, Unnao and Hardoi, containing old and prosperous towns, did the proportion of masonry houses exceed one per cent. In Kheri and Bahraich districts it was as low as 0.11 and 0.04 per cent respectively.¹⁴ Other houses were built of mud and straw and were flimsy in character.

Poor economic conditions were partly due to a century of misrule. In an almost continuous tug of war between court favourites and corrupt officials on the one hand and powerful Taluqdars on the other, the people were often the worst sufferers. The ill paid

12. AAR of NWP, 1877-78, 20.

13. *Ibid.*, 20.

14. SCC to SFD, 29 July 1869, FGen C, August 1869, 49-50.

soldiery and civil officials lived off the land and very few dared to protect the people from their depredations.¹⁵

After the annexation a very large number of people were deprived of their employment. The King's soldiery and the armed retainers of the Taluqdars were disbanded. Most of the civil employees of the late government lost their employment. The number of the unemployed was much augmented by the Mutiny and its aftermath. All the sepoys who had mutinied and who were retrenched during the subsequent reorganisation of the armed forces, streamed into Oudh, their home, from all parts of India. The total number who had lost their employment was estimated to be not less than 300,000.¹⁶ The Muslims were the worst sufferers from the disbandment of the King's soldiery. Pasis also lost employment in large numbers when the Taluqdars dismissed their retainers.¹⁷ Brahmans and Rajputs who formed the bulk of the sepoy army, suffered most from the consequences of the Mutiny. These people, after years of training and service in the profession of arms, could not at once become agriculturists. Their martial pride and habits prevented them, but for starvation, from working as unskilled labourers. They could not join the army in significant numbers because of a change in recruitment policy. The Oudh police was already overstaffed and was in the process of being reduced.¹⁸ It could not afford any further employment to the local people.

15. SFD to CC, 4 February 1856, IPFPr, 6 June 1856, 193.

16. IG to SCC, 17 April 1864, IPPr, August 1864, 40.

17. PAR, 1863-64, 30, IPPr, August 1864, 40.

18. See Chapter 4, Supra.

Many other classes of people lost employment because of the annexation. To protect the state monopoly of salt and to protect the salt imported in Oudh from the state salt works outside Oudh the local manufacture of inferior grades of salt from the extensive saliferous soil in many parts of Oudh was totally stopped. This threw 40,000 Luniyas, the caste traditionally engaged in the extraction of salt from the soil, out of their customary means of living.¹⁹ The establishment of the government distilleries deprived the local manufacturers of alcoholic liquors of their work.²⁰ The opening of the province inexorably led to a decline in the local manufacture of cotton textiles. A large number of weavers had to seek other means of subsistence.²¹ The dissolution of the Royal Court and the impoverishment of the nobility led to a sharp decline in the handicrafts which catered to the needs of the rich. Jewellers, lace makers, embroiderers and leather workers found that their products were no longer in demand. The makers of the famous Chikan embroidery of Lucknow could earn after incessant labour only about one rupee per month. The goldsmiths of Lucknow earned less than ironsmiths in the 'seventies.²²

The great and prosperous city of Lucknow became a decaying town after the annexation. Though in population it still remained the eighth largest city in the British empire, and the fourth in India, most of its people were sunk deep in abject poverty.²³ Its people

19. Chand, The Administration of Oudh, 168.

20. Ibid. 181.

21. SCC to SFD, 8 April 1864, FRPr, November 1864, 44; IG to SCC, 17 April 1864, IPPr, August 1864, 40.

22. Gazeteer of the Province of Oudh, i, 392-93.

23. Ibid.; Northbrook to Couper, 25 February 1874, Northbrook Collection; AAR, 1871-72, 484; SCC to SHD, 7 July 1868, FGenPr, September 1868, 33.

had been subjected twice to exactions and lootings after 1856 - firstly at the hands of the rebels and then of the victorious British and Gurkha armies. It is hardly surprising that, Lucknow City had the highest per capita level of criminality in Oudh; good and bad seasons had little effect on the incidence of crime there.²⁴

The large number of the unemployed in Oudh must have had a great effect on the rate of crime in the province. Just after the reoccupation a big plan of building roads and military works was implemented there.²⁵ But as soon as the construction was completed anywhere, the consequent unemployment was accompanied by an increase in crime as was the case in Rae Bareli in 1865.²⁶ The direct connection between crime and unemployment is discernible in seasonal variations in crime rate. Officers noticed that there was more crime during the second and third quarters of each year, especially the third.²⁷ Between the reaping of the spring crop in April and its sowing in October, the demand for agricultural labour was slack. It was lowest from July to September as there would be no need for irrigation in the rainy season.²⁸ From October to April there was a great demand for labour connected with the spring crop, and there was less crime.

Oudh was essentially an agricultural region and had no manufactures worth the name. 58.5 per cent of its population depended on agriculture for a living.²⁹ 92.94 per cent of its people lived in

24. See table 6.9.

25. SCC to SFD, 22 December 1858, IPFPr, 21 January 1859, 2072.

26. PAR, 1865-66, 128.

27. AAR, 1869-70, 313.

28. IG Prisons to SCC, 22 March 1870, IJPr, July 1870, 10.

29. Williams, J.C: Oudh Census Report, 1869, i, 129.

the villages.³⁰ The vast majority of its people who had lost their employment had only agriculture to fall back on. This must have increased the pressure on the land. As a result, by 1869 Oudh had, as table 6.3. exhibits, the lower area of cultivated land per agricultural male adult than in neighbouring provinces. This necessarily would have brought into operation all the disadvantages of working uneconomic holdings. This was one of the principal causes of the comparative poverty of Oudh.

TABLE 6.3.³¹

Comparative statement showing the pressure of population on land

	Berar	Central Provinces	North- Western Provinces	Oudh
Number of agricultural male adults	448,323	1,394,378	5,875,131	2,119,295
Area of cultivated land in acres	4,703,618	13,950,694	23,747,268	7,971,293
Area in acres per agricultural male adult	10.49	10	4.04	3.76

The new land system in Oudh tended to divide the entire agricultural community into two classes, the landholders and the tenants. At one stroke it destroyed the old and traditional rights in land and led to the impoverishment of the ryots while it enriched the land owning class. It was unlike the Thomasonian land system of the North-Western Provinces and the Panjab which was not so productive of crime.³² The landholders did not scruple to remove the old

30. *Ibid.*, ii, Table VII,

31. Williams, *op.cit.* i, 201.

32. JC to SCC, 17 June 1863, IFJPr, February 1868, 81.

tenants who openly resented their new rights or whose long occupation of a piece of land invested them with some semblance of occupancy rights. The landholders must have found this not only easy but more profitable because of the host of unemployed people in the countryside waiting for a chance to rent whatever piece of land that they could at rates that would leave them with a bare subsistence. Their presence and the settled state of the country deprived the tenants of Oudh of their power of resistance to the exploitation of the landholders which they had always possessed. This increased the economic gap between the owners and tenants and must have been productive of social tensions.

Indeed the situation was ideal for rack-renting. Rents began to rise in the early 'sixties and the process continued.³³ The ryots were left only with a part of the produce that was hardly enough return for their labour. Consequently, they had no resources with which to build up reserve and they suffered very much whenever their crops failed. They fell easy prey to the village money lenders who charged very high interest.

The regular settlement raised the revenue demand sharply. The summary settlement of 1858-59 had fixed the revenue of the province at 10,548,397 rupees. The regular settlement was conducted districtwise and everywhere the revenue was assessed at a level substantially higher than in 1859. The highest increase was in Bahraich amounting to 103.14 per cent.³⁴ Moreover the revised revenue was demanded at once instead of graduating the

33. SFD to CC, 18 May 1863, IFJPr, February 1865, 19; FC to SCC, 16 May 1858 and DC Bahraich to CR Lucknow, 28 December 1867, Foreign Revenue Cons., June 1868, 30-31.

34. Chand, T.P. op.cit., 156.

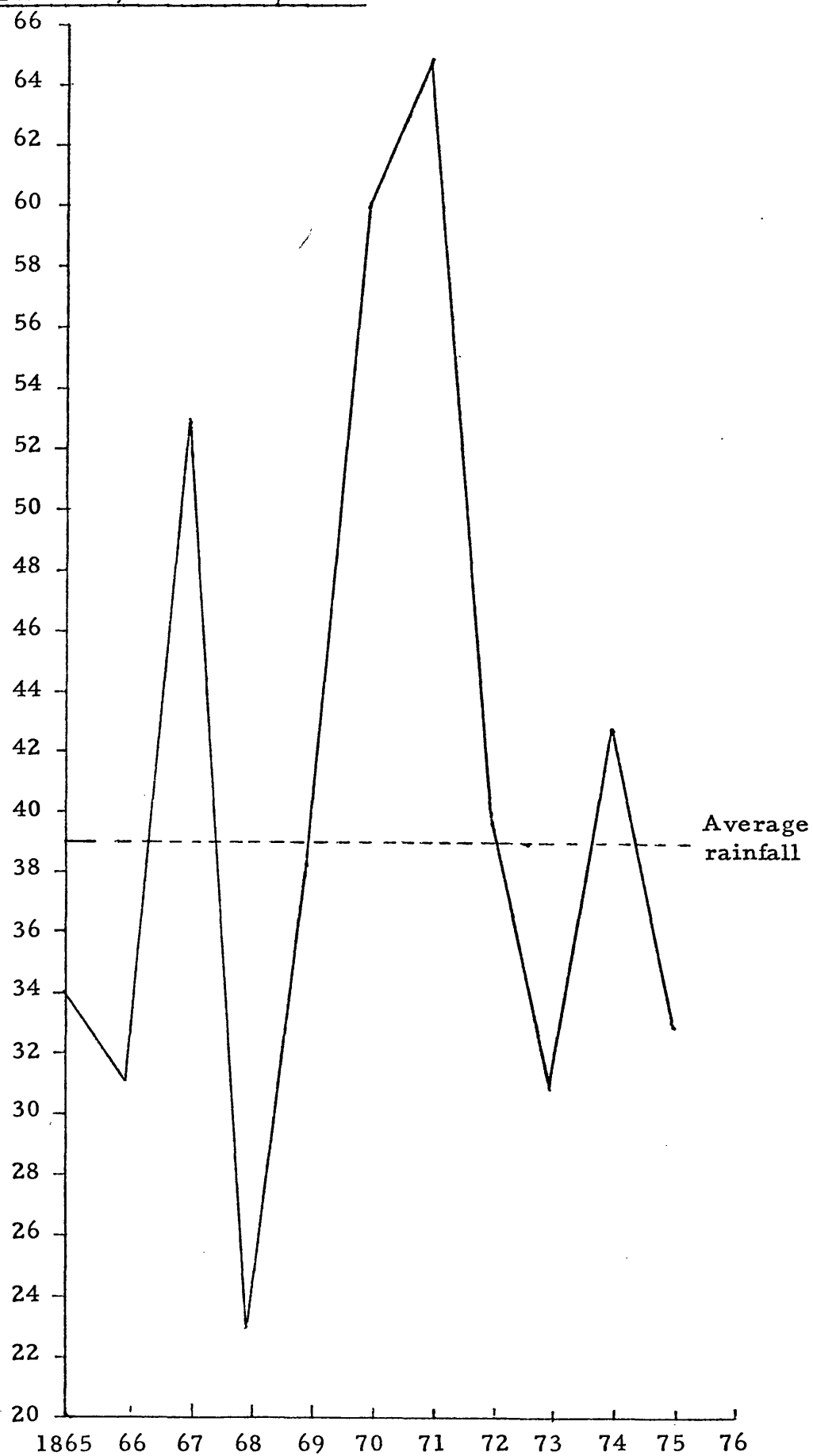
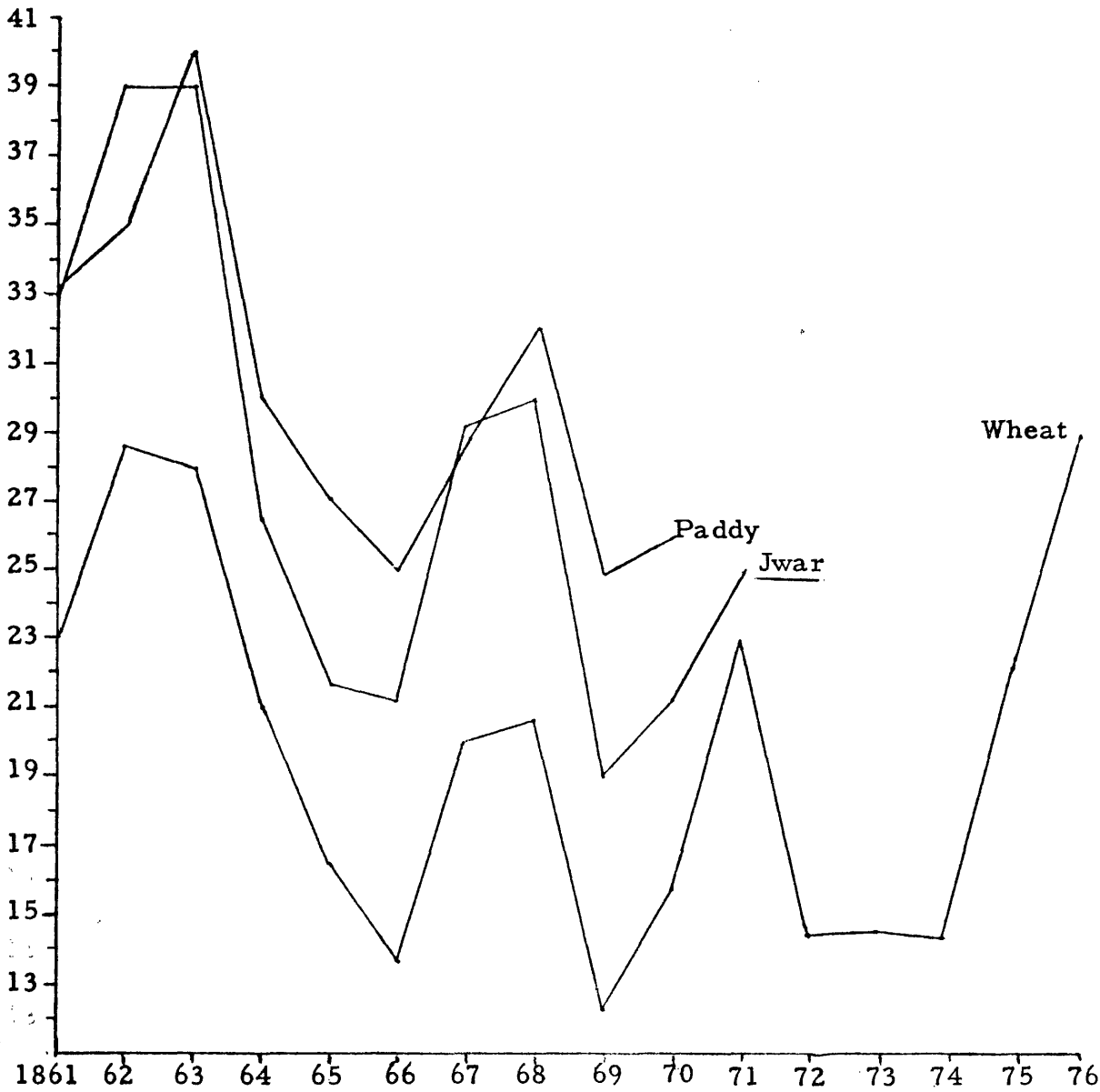
CHART 6.2.Rainfall in Oudh, 1865-75 in, inches

CHART 6.3

Price of wheat (1861-76) Jwar or Sorghum Vulgare (1861-71)
and paddy (1861-70) - Seers per rupee



increase over a number of years.³⁵ This caused acute difficulties and many sales of land because of the inability of the landholders to meet the demand.³⁶ Northbrook, realising the difficulties of the people and suspecting that the assessment was probably too high, appointed a Financial Commissioner to go through the whole question and to revise the assessment wherever it was necessary.³⁷ Even the revised assessment, amounting to 14,725,486 rupees, was 39.6 per cent higher than the summary settlement.³⁸ This increase must certainly have resulted in further pressure on the tenants.

Agriculture in Oudh, as elsewhere in India, was dependent on the monsoon. The ryots, had no inducement to develop the means of irrigation because they did not own the soil. As a result, whenever the rains were deficient the province was plunged into acute economic distress which was faithfully reflected in increased crime. The relation between the rainfall the prices of staple food and the rate of crime can be seen in table 6.4. and charts 6.2. and 6.3. It will be observed that the rainfall caused distress not only when it was deficient; a higher than normal precipitation was also productive of great economic hardship because it destroyed crops and caused floods. It usually destroyed the autumn crop consisting mainly of Jwar (Sorghum Vulgare) and other coarse grain, which formed the staple food of the mass of the poor people in Oudh.

35. AAR, 1873-74, 171.

36. AAR, 1872-73, 87.

37. Northbrook to Couper, 4 June 1874, 16 August 1874, 30 September 1874 and 8 October 1874, Northbrook Collection.

38. Chand, op. cit., 156.

TABLE 6.4.³⁹The rainfall, prices of wheat, Jwar and Paddy and their effect on crime

Year	Average rainfall in inches	Price of wheat seers/rupee	Price of <u>Jwar</u> seers/rupee	Price of paddy seers/rupee	Number of cognizable crimes
1861	NA	23.83	33.9	34	16,996
1862	'High rainfall'	29.66	40.09	36	25,027
1863	51	28.91	40.09	41	34,173
1864	'Low rainfall'	21.91	17.45	31	42,472
1865	34	17.5	22.63	28	52,171
1866	31	14.66	22.27	26	46,952
1867	53	21.00	30.27	30	42,887
1868	23	21.75	30.9	33	55,043
1869	38	13.16	20.00	26	66,897
1870	60	16.83	22.09	27	61,468
1871	65	23.92	26.00	NA	65,237
1872	40	15.41	NA	NA	90,303
1873	31	15.53	NA	NA	82,458
1874	43	15.47	NA	NA	64,349
1875	33	23.41	NA	NA	62,923
1876	NA	30.00	NA	NA	61,562
Average for all years	38.83	21	28.69	31.66	

The two very wet years of 1862 and 1863 were followed by two of deficient rains. The resultant high food prices were described by nearly all the officers as having caused the high incidence of crime.⁴⁰

39. The data for the table is extracted from AARs, 1861-76 and Gazeteer for the Province of Oudh.

40. IG to SCC, 18 May 1865, IPPr, September 1865, 4; IG to SCC, 19 April 1866, 9, IPPr, November 1866, 4.

The high prices in 1865 caused so much misery that many otherwise secluded ladies of high caste had to come out and seek work.⁴¹

However, the late rains in 1866 and 1867 restored normalcy and helped to reduce crime.⁴² But an unusually high precipitation of 60 inches in the Rae Bareilly district in 1867 pushed up crime by 27 per cent in a year when it recorded a fall elsewhere in the province.⁴³

In 1868 the monsoon failed again. This fact coupled with the large export of grain to the North-Western Provinces, which experienced greater distress, led to a record high price of grains.⁴⁴

A sharp increase in crime was the result. Good rains in the following two years eased the distress. The high precipitation of 1871 caused widespread misery by floods and rotting of crops and the ill-timed and irregular rains in the following year caused unprecedented distress among the people who had not yet recovered fully from the prostration of 1869. As a result the crime figures touched a peak of 90,303.⁴⁵

The scanty rains of 1873 caused famine conditions in the trans-Ghagra region though elsewhere the autumn crop was saved.⁴⁶

As a result a slight drop in crime was recorded. The following period of three years was marked by average rainfall and the crime figures dropped to the level of sixty one to sixty five thousand per year.⁴⁷ But the period of plenty proved to be short-lived. The rains failed again in 1877-78 and the resultant famine, an especially bad one, sent the crime rate soaring upwards.⁴⁸

41. IG to SCC, 19 April 1866, 105, IPPr, November 1866, 105.

42. IG to SCC, 13 March 1868, IPPr, August 1861, 1; Table 6.9, *infra*.

43. AAR, 1868-69, 72; see table 6.9.

44. AAR, 1868-69, 72.

45. AAR, 1872-73, 3.

46. AAR, 1873-74, 112; AAR, 1874-75.

47. AARs, 1874-75, 1875-76 and 1876-77.

48. AAR of NWP, 1877-78.

The economic hardships of the people of Oudh were increased by the extensive programme of opening up of the province by the construction of a network of roads.⁴⁹ The construction of the Lucknow-Kanpur rail link in 1867 inaugurated an era of railway transport in Oudh. Railway construction was greatly accelerated in the 'seventies.⁵⁰ The huge construction works on these projects did provide much employment. But they adversely affected the local people in another way. The rail and road networks made Oudh a part of much wider market than before. This facilitated the export of grain from Oudh and the import of cloth and other manufactures. This helped the agriculturists, who could obtain better prices for their produce, but it worsened the lot of the wage earners, weavers and urban people.⁵¹ In times of scarcity it tended to accentuate the shortage.⁵² The high price of grain after 1872, in spite of the average rainfall might have been due to this reason.

Criminals took advantage of the introduction of railways in Oudh. The range of their depredations and the opportunities for their escape increased. The removal and disposal of stolen property became much easier.⁵³ The large numbers of passengers on the trains and at railway stations which were not so well protected because of the refusal of the railway company to organise a railway police must have been a great temptation for the criminals.⁵⁴ However, the

49. Chand, T.P., op.cit., 229-36.

50. Ibid., 225-28.

51. AAR, 1868-69, 72.

52. Ibid., AAR, 1860-61, 145.

53. PAR, 1871-72, 9 and 18.

54. Consulting Engineer to SPWD, 26 December 1872, IPPr, June 1873.

absence of a specific record of the crimes committed on railway premises makes it difficult to judge with any accuracy the actual effect of railways on crime.

The reduction of the police must have facilitated, if it did not actually encourage, criminal activity. While the incidence of crime was increasing at a mean annual growth rate of 18.78 per cent from 1859-1872, the police strength was reduced, sharply at first, and then gradually till it stood in 1870 at 63.73 per cent of its strength at the end of 1872. The police however, did not investigate each cognizable crime automatically as a matter of course, but only about one-third of the crimes committed in the province.⁵⁵ But in respect of the crimes investigated by the police, the proportion of 0.72 crimes per policeman in 1861 steeply rose to stand at 6.09 crimes per policeman in 1872. Table 6.5. juxtaposes the strength of the police in each year against the number of cognizable crimes reported to, and investigated by them. The steady rise in crime underscored the inability of the undermanned police to deal with them. The proportion of the police in relation to crimes reported to, and investigated by, them is illustrated in chart 4.1.

55. See chapter 4, supra.

TABLE 6.5.⁵⁶

The Strength of the Oudh Police and the number of crimes reported to and investigated by it.

Year	Number of policemen at end of year	Total reported cognizable crimes	Number of crime per policeman	Number of crimes investigated by the police	Number of crimes investigated per policeman
1859	9,218	9,635	0.96	NA	-
1860	8,523	12,601	1.48	6,114	1.39
1861	8,262	16,996	2.06	8,450	0.72
1862	6,603	25,027	3.79	11,153	1.69
1863	6,526	34,173	5.24	11,992	1.84
1864	6,508	42,472	6.53	14,174	2.18
1865	6,407	52,171	8.14	21,275	3.32
1866	6,464	46,952	7.26	18,849	2.92
1867	6,373	42,887	6.73	16,774	2.63
1868	6,131	55,043	8.98	20,589	3.36
1869	5,968	66,897	11.21	26,810	4.49
1870	5,875	61,468	10.46	24,177	4.12
1871	5,875	65,237	11.06	25,551	4.34
1872	5,875	90,303	15.37	35,761	6.09
1873	5,875	82,458	14.03	35,114	5.98
1874	5,875	64,349	10.95	30,921	5.26
1875	5,875	62,923	10.68	29,307	4.98
1876	5,875	61,502	10.47	27,904	4.75

An analysis of the convicted criminals on the basis of their religion and caste provides some insight into the usual background of the criminals and, in some cases at least, the motivation for crime.

56. The data for the columns 2, 3 and 5 of the table are extracted from PARs and AARs of the respective years.

Table 6.6 and 6.7. will show that the Pasis, Rajputs, Muslims and Brahmans, in that order, constituted the social groups with the highest incidence of criminality.

TABLE 6.6. ⁵⁷

Population of and incidence of crime in various social groups

Social groups in order of criminality	Population	Ratio to total population in p. c.	Mean incidence of crime per million people	Crime index with Kurmi as 100
Pasi	649,741	5.81	3,285	434
Rajput	662,946	5.93	2,419	320
Muslim	1,111,290	10.9	2,146	283
Brahman	1,397,808	12.5	1,552	205
Lodh	351,000	3.14	1,511	200
Chamar	1,030,467	9.25	1,195	158
Kori	360,173	3.22	1,143	151
Kahar	288,263	2.58	1,116	147
Ahir	1,167,499	10.44	1,000	132
Murao	407,000	3.64	882	117
Kurmi	764,422	6.83	757	100

The Pasis, it will be observed, had the highest incidence of crime. Their caste was low and their main occupation was field labour and .

57. Tables 6.6. and 6.7. have been compiled from the figures of convictions of persons belonging to various social groups of people given in AARs and PARs of 1861-76. Both the tables deal with eleven most numerous groups having a population of more than 250,000 persons. The Hindu convicts were classified according to their castes. No such subdivision of the Muslims was given. These figures are indicative only of trends, and not the actual distribution of criminality over different social groups. Very few of the reported cases could be convicted. From 1867 to 1876 on average only 19.42 per cent of cases reported could be convicted. This proportion was fairly uniform in each year, the standard deviation being only 1.62. A very small proportion of the cases of theft ended in conviction. Between 1861 and 1876, on average, only 11.5 per cent of the cases of theft were finally convicted.

TABLE 6.7.

Incidence of crime among Muslims the most numerous castes of Hindus and two Nidmadic tribes in Oudh

Social Groups	Population	1862	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876	mean incidence per million
Pasi convicts	649,741	976	1,166	1,559	1,562	1,637	1,732	1,880	2,749	2,229	2,193	3,367	3,691	2,571	2,461	1,959	3,285
Proportion per million Pasis		1,502	1,797	2,399	2,444	2,665	2,893	4,230	3,430	3,375	5,182	5,680	3,956	3,787	3,015		
Rajput convicts	662,946	989	789	1,033	1,155	1,339	1,563	1,614	1,889	1,766	1,951	2,228	1,863	2,118	2,000	1,761	2,419
Proportion per million Rajputs		1,491	1,190	1,558	1,742	2,018	2,357	2,434	2,849	2,663	2,942	3,360	2,810	3,194	3,017	2,656	
Muslim convicts	1,111,290	1,359	1,048	1,326	2,036	2,095	2,090	2,262	2,931	3,204	2,749	3,370	2,667	2,764	3,013	2,911	2,146
Proportion per million Muslims		1,222	943	1,193	1,832	1,885	1,880	2,035	2,637	2,833	2,473	3,032	2,400	2,487	2,711	2,619	
Brahman convicts	1,397,808	1,254	1,157	1,322	1,535	1,768	1,947	2,093	2,266	2,389	2,518	2,904	2,809	2,806	3,000	2,792	1,552
Proportion per million Brahmans		897	827	945	1,098	1,264	1,392	1,497	1,621	1,709	1,801	2,077	2,009	2,007	2,146	1,997	
Lodh convicts	351,000	178	NA	251	384	326	376	730	869	542	688	753	772	543	438	598	1,511
Proportion per million Lodhs		507		715	1,094	929	1,071	2,079	2,475	1,544	1,960	2,145	2,199	1,547	1,247	1,703	
Chamar convicts	1,030,467	318	318	392	596	670	837	1,111	1,591	1,390	1,474	3,393	1,811	1,610	1,430	1,544	1,190
Proportion per million Chamars		308	308	380	578	650	812	1,078	1,543	1,348	1,430	3,292	1,557	1,562	1,387	1,498	
Kori convicts	360,173	96	NA	141	224	205	457	403	697	462	235	599	673	575	443	557	1,143
Proportion per million Koris		267		391	621	569	1,268	1,118	1,935	1,282	652	1,663	1,868	1,596	1,229	1,546	
Kahar convicts	288,263	93	NA	135	230	234	259	235	429	328	427	NA	427	383	465	539	1,116
Proportion per million Kahars		322		468	798	812	898	815	1,488	1,137	1,481		1,481	1,328	1,613	1,869	
Ahir convicts	1,167,499	527	423	552	793	830	916	1,165	1,364	1,274	1,392	2,164	1,748	1,579	1,378	1,417	1,000
Proportion per million Ahirs		451	362	472	679	711	784	997	1,168	1,091	1,192	1,853	1,497	1,352	1,180	1,213	
Mura convicts	407,000	92	NA	145	226	239	259	595	460	396	523	NA	409	373	373	416	882
Proportion per million Murads		226		356	555	587	882	970	1,130	972	1,285		1,004	916	916	1,022	
Kurmi convicts	764,422	272	169	241	372	592	391	585	715	816	807	1,002	308	909	735	273	757
Proportion per million Murmis		355	221	315	487	774	511	765	935	1,067	1,055	1,310	1,057	1,189	961	357	
Kanjar convicts	7,765	37	NA	176	73	68	NA	135	116	144	296	323	122	101	138	141	18,524
Proportion per million Kanjars		4,764		22,665	9,401	8,757		17,385	14,938	18,544	38,120	41,596	15,711	13,007	17,772	18,158	
Nat convicts	13,093	49	NA	34	51	78	NA	57	99	39	37	99	115	56	124	161	5,869
Proportion per million Nats		3,742		2,596	3,895	5,957		4,353	7,561	2,979	2,826	7,561	8,783	4,277	9,470	12,297	

the extraction of palm juice.⁵⁸ They used to be expert bowmen and had a high reputation for loyalty to their employers.⁵⁹ These qualities led to their employment in very large numbers as retainers by the Taluqdars before the annexation. The Chaukidars in Oudh generally belonged to this class. When unemployed they could be expert thieves. After the annexation a very large number of them lost their employment when the Taluqdars' retainers were disbanded.⁶⁰ They specialised in all crimes against property and every year they headed the list of those convicted of such crimes. The mean proportion of 3,285 criminals per million of their population would certainly have been vastly exceeded had the substantial number of cases of theft been properly investigated and prosecuted. Their participation in violent crimes against the person was also substantial, but it was lower than that of the Brahmans, Rajputs and Muslims.⁶¹

The Rajputs and the Brahmans were the second and fourth respectively in order of criminality. Both these castes formed the bulk of the Bengal army and large numbers of them were employed in the armies of the other Presidencies. They formed a large part of the King's army before the annexation. Nearly all persons thus employed lost their jobs as a result of the annexation and the Mutiny. Because of their high caste they did not like agriculture; handling a plough was actually forbidden by tradition to one of the two major sub-groups among the Brahmans.⁶² If they took to

58. Crooke, W: Tribes and Castes of the North Western Provinces and Oudh, iv, 138

59. Montgomery Report on Administration, 25, IPFPr, 27 May 1859, 366A.

60. AAR, 1863-74, 30; SCC to IG, 8 June 1865, IPPr, September 1865, 4.

61. PAR, 1867-68, 1868-69 and 1870-71.

62. Montgomery Report on Administration, 22, IPFPr, 27 May 1859, 366A.

agriculture, they hired labour to perform many operations. This resulted in low productivity. They claimed preferential treatment in matters of rent. Because of this as well as their low productivity the landholders avoided renting land to them.⁶³

They, the proud soldiers of the recent past, presumably resented their position after 1859. They must have found themselves to be surely and inexorably sinking to the level of the agrarian ryots. This must have caused deep frustration and their participation in violent crimes might have signified to some extent their revolt against their declining position in society. It might also have been the reason why the largest numbers of suicides were committed by Brahmans.⁶⁴

The people of both these castes had martial tastes. Their robustness and fighting instincts were reflected in the nature of the crimes in which they specialised. Every year the number of Brahmans convicted of violent crimes against the person, such as murder, culpable homicide, grievous hurt and rioting, was much higher than that of other castes. In many years both these castes together furnished more than half of those convicted of such crimes.⁶⁵ Their participation in crimes against property was generally lower than that of the Pasis and Muslims; Brahmans, however, often led the others in the theft of cattle.⁶⁶

63. IG to SCC, 20 February 1867, 114, IPPr, 6 June 1867, 16.

64. PAR, 1869-70, 454; IG to SCC, 23 March 1869, 5; PAR, 1870-71, 141.

65. IG to SCC, 18 May 1865, IPPr, September 1865, 4; SCC to IG, 1 August 1872; PAR, 1871-72.

66. PAR, 1865-66 and every year up to 1876-77.

The Muslims were the other group which had suffered greatly by the annexation of the province. A very large number of them had lost their employment in the King's civil and military establishment.⁶⁷ They formed a very large part of the urban population of Oudh; only 36 per cent of them depended upon agriculture for a living. They formed 40.78 per cent of the population of the city of Lucknow.⁶⁸ They were the poorest section of the poverty-ridden city.⁶⁹ No wonder that ^about one third of all the Muslims convicted for theft lived there.⁷⁰

The Muslims were the third group in order of criminality. Their share in crimes against property was second only to that of the Pasis.⁷¹ As the poor Muslims were concentrated in towns, they committed thefts in urban areas while the criminal activities of the Pasis were generally confined to the countryside. Since the population in towns was more concentrated and lived in houses constructed of better material, the Muslims specialised in simple thefts. The Pasis, on the other hand, had more burglars among themselves because of the ease with which burglary could be committed in the scattered and more exposed houses of the villages.⁷² It was much easier to break through the roofs or walls of village dwellings because of the poor and often flimsy material commonly used for their construction. The participation of the Muslims in violent crimes was substantial though less than that of the Brahmans and Rajputs.⁷³

67. PAR, 1863-64, 30, IPPr, August 1864, 40.

68. Williams, J. C., op. cit., i, 115 and 129.

69. SCC to SHD, 7 July 1868, FJPr, September 1868, 33; AAR, 1871-72, 484.

70. IG to SCC, 1 May 1863, IPPr, April 1864, 75.

71. See table 6.6 and 6.7.

72. IG to SCC, 17 April 1864, IPPr, August 1864, 40; IG to SCC, 18 May 1865, IPPr September 1865, 4; PAR, 1869-70, 14.

73. PAR, 1867-68, 1868-69, 1869-70 and 1870-71.

The low caste Lodhs and Chamars committed a fair number of crimes.⁷⁴ They stood the fifth and the sixth respectively in order of criminality. They did not specialise in any particular crime. However, the Chamars because of the nature of their work, committed a large number of offences classed as nuisances.⁷⁵

A significant fact, that emerges from the statistics in table 6.6 and 6.7 is that the mainly agricultural castes, Ahir, Murao and Kurmi who formed 21 per cent of the population, had the least incidence of crime among their members. This incidence rose sharply among them during the periods of agricultural distress but decreased equally dramatically as soon as better times returned. This trend of rise and fall of crime according to the state of agricultural production was quite noticeable in the case of the Pasis, Lodhs and Chamars, livelihood of a large number of whom depended on agriculture.

The trend was different in the case of the social groups which traditionally were not agriculturists and which had among them a large number of persons who had recently been thrown out of employment. Brahmans, Rajputs, Muslims and Koris - a Hindu caste of weavers who suffered the most from competition with English piece goods - were such classes. The incidence of crime among them generally did not respond so well to the return of prosperity after the distress of 1869 and 1872. In fact in many years like 1870, 1874 and 1875, when there was a general fall in crime in the province, criminality among the first three of them

74. The Lodhs were an agricultural and labouring people, vide Crooke, op.cit., iii, 364. The Chamars worked skins and leather.

75. PAR, 1870-71, 141.

actually went up. The Brahmans especially maintained a steadily rising trend of criminality from 1862 to 1875 except for a marginal decline in 1863, 1873 and 1874. During the same period a decline in crime was noticeable among the Muslims only in 1863, 1870, 1871 and 1873. The Rajputs recorded a fall only four times in 1863, 1870, 1873 and 1875, during all those years. Their consistently high level of criminality indicated the economic distress that they were experiencing and the difficulty that they experienced in adjusting to the changed circumstances. The high incidence of crime among the Muslims, a majority of whom were urban residents, even during the years of prosperity might be indicative of the generally declining economic activity in the urban areas of the province.⁷⁶

There were not many tribes and castes in Oudh who largely depended on crime for a living. One small tribe, the Barwars, whose total population was 2,904 could be described as criminal.⁷⁷ They mainly lived in Gonda district. They chiefly depended on thieving. The male members of the tribe would go on thieving expeditions after the rains every year and carry on their operations often in such distant places as Puri on the Orissa coast and Badarinath and Hardwar in the north. All the fairs and places where large congregations of people would assemble, such as the centres of pilgrimage, were their favourite haunts. They would return home just before the rains. All their booty would then be pooled and divided according to the established custom among all the members of the tribe. A deliberate abstinence from crime by a healthy male adult would deprive him of the privileges appertaining to membership

76. PAR, 1869-70, 447.

77. Crooke; op.cit.,i, 206-207; William s: op.cit.,ii, Table 4.

of the tribe. They were patronised by the landholders in whose villages they lived; the latter took their share in the loot. Their depredations did not generally affect the local population as they operated at places away from their home. This made their apprehension on specific charges and conviction very difficult.⁷⁸

The police tried to put them under strict surveillance in order to put a check on their criminal activities and required them to obtain a leave of absence before leaving their villages. However, this rule soon had to be abandoned as magistrates would not convict a Barwar merely for violating it without the evidence of his having committed any other offence.⁷⁹

There were two wandering tribes, Nats and Kanjars, numbering 7,765 and 13,093 respectively, in the province. Many among them were given to thieving. The women of the former were reputed to often practice the 'oldest profession'.⁸⁰ Their participation in criminal activities was very high. The mean proportion of convicted criminals among the Kanjars was 18,524 and among the Nats it was 5,869 per million people. It formed 5.6 and 1.8 times respectively of the incidence of crime among the Pasis.⁸¹ Such a high level of criminality among them worried the officers very much. Often they provided useful services to the people as itinerant journeymen, metal workers and acrobats. So they could not be forced to reside at any fixed place. They could not be put under an effective surveillance because of their nomadic nature.⁸² They quietly slipped out of a district as soon as it would become too

78. Etymology of Barwars, DySCC to SHD, 1 June 1870, IJPr, July 1870, 109.

79. DySCC to SHD, 1 June 1870, IJPr, July 1870, 109; PAR 1868-69, IJPr, August 1869, 5.

80. Crooke: op.cit., iv, 56-57.

81. See table 6.7.

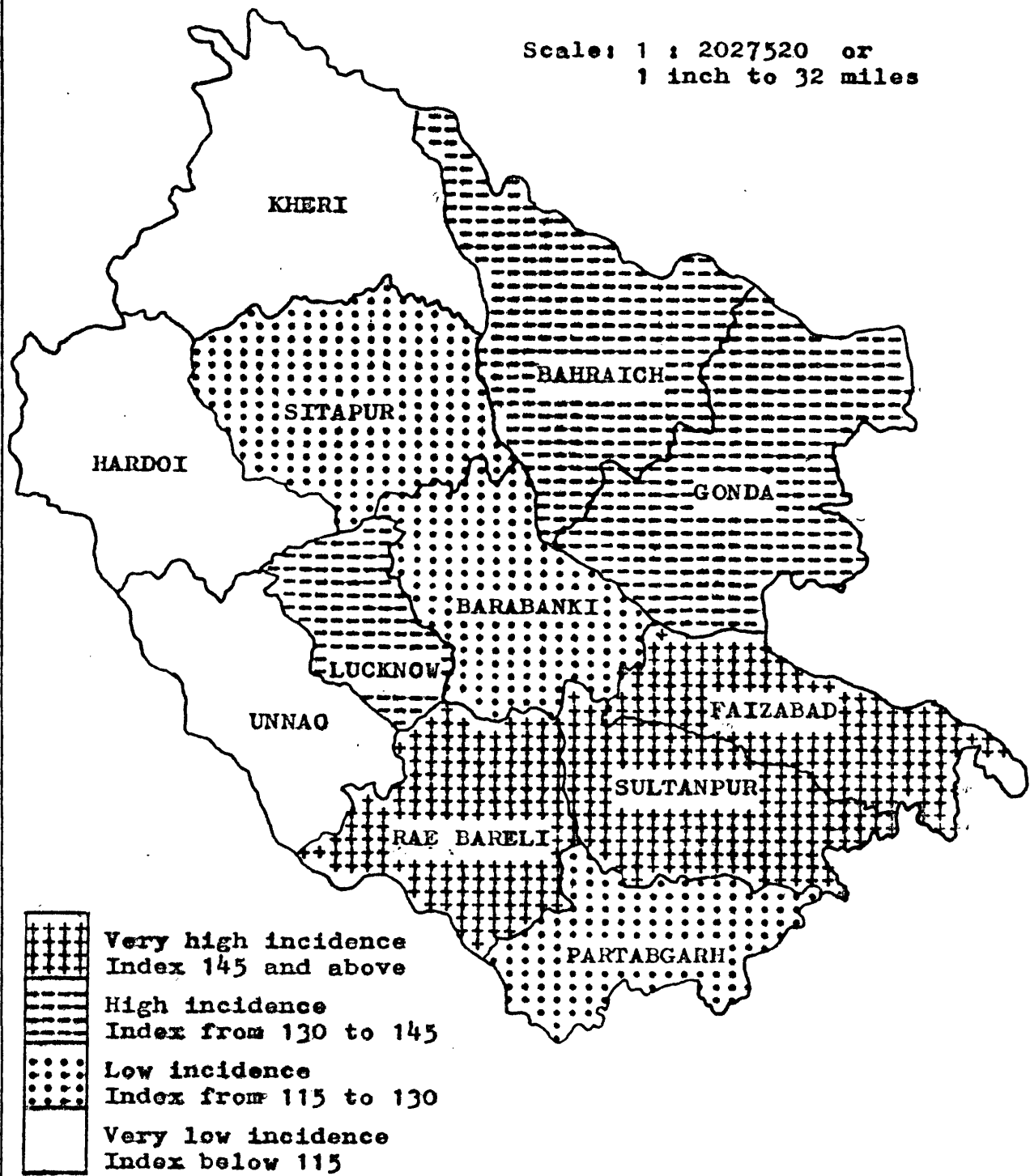
82. DySCC to SHD, 1 June 1870, IJPr, July 1870, 109.

Map 6.1

O U D H

Incidence of Conizable Crimes
1861 to 1877

Scale: 1 : 2027520 or
1 inch to 32 miles



hot for them. Since they had no connection with agriculture, the state of the harvest in any year had a little effect on their criminal activities.

Crime in Oudh was not uniformly distributed over all the regions as can be judged from tables 6.8 and 6.9.

TABLE 6.8.⁸³

Incidence of crime in the various districts of Oudh

Order of criminality	District	Mean incidence of crime per million people	Index of criminality with Kheri as 100
1	Lucknow city	9,748	244
2	Faizabad	6,494	163
3	Rae Bareli	6,311	158
4	Sultanpur	5,803	145
5	Gonda	5,602	140
6	Bahraich	5,561	139
7	Lucknow district excluding city	5,519	138
8	Sitapur	5,057	127
9	Barabanki	4,994	125
10	Partabgarh	4,683	117
11	Hardoi	4,502	113
12	Unnao	4,353	109
13	Kheri	3,991	100
-	Provincial average	5,050	127

83. Tables 6.8 and 6.9 are compiled from the data extracted from PARs and AARs, 1861 to 1877.

TABLE 6.9.

Distribution of cognizable crimes over different districts of Oudh, 1861 to 1877 except 1862 and 1863

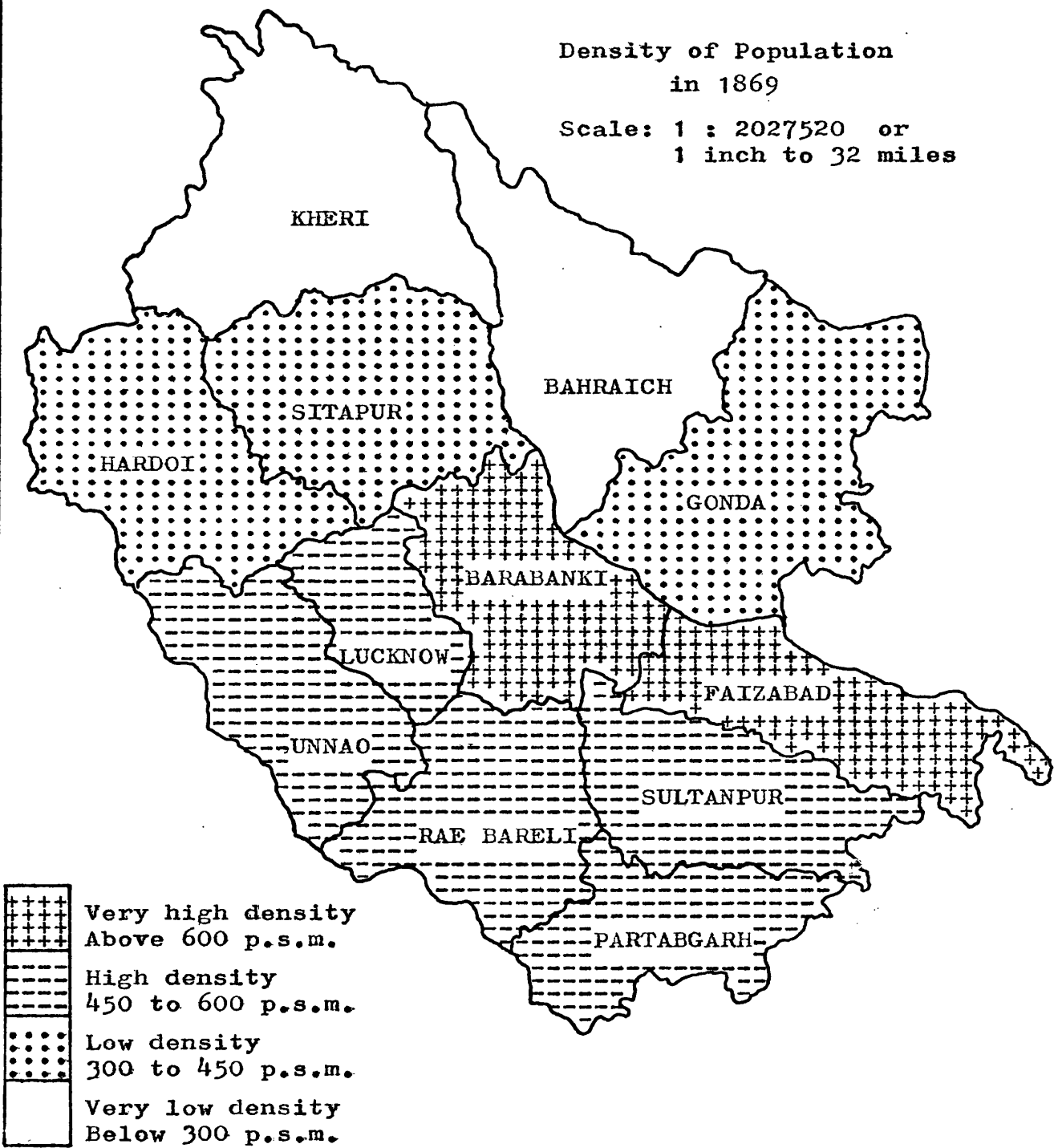
	Population in 1869				Population after the readjustment of districts in 1869				Population readjustment of districts in 1871				Mean incidence per million people				
	1869	1861	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876	1877	per million people
Lucknow city - cases	281,268	2,418	1,839	2,331	2,368	1,673	2,602	284,779	2,458	2,593	3,307	2,754	2,909	2,829	3,582	4,378	9,478
Incidence per million		8,597	6,538	8,287	8,419	5,948	9,251	12,069	8,631	9,105	11,612	9,670	10,215	9,934	12,578	15,373	
Lucknow district excluding city - cases	701,010	1,306	2,871	3,352	3,550	3,113	3,239	504,681	2,762	3,257	4,060	3,364	2,929	2,517	2,361	4,090	5,519
Incidence per million		1,863	4,096	4,782	5,064	4,441	4,620	7,704	5,473	6,454	8,045	6,666	5,804	4,987	4,678	8,104	
Unnao - cases	875,587	1,178	2,289	2,547	2,760	2,411	3,345	1,070,337	3,377	4,185	5,458	5,055	4,725	6,202	4,685	7,349	4,357
Incidence per million		1,624	3,157	3,512	3,806	3,325	4,613	4,345	3,155	4,202	5,480	5,076	4,744	6,227	4,704	7,379	
Barabanki - cases	715,154	1,439	2,231	3,480	3,402	3,594	4,467	1,101,954	5,974	6,410	9,265	7,667	5,344	4,623	3,860	5,366	4,994
Incidence per million		1,984	3,077	4,799	4,691	4,956	6,160	5,218	5,421	5,817	8,408	6,958	4,850	4,195	3,503	4,870	
Sitapur - cases	933,445	1,228	3,380	3,713	3,058	2,806	3,160	932,959	4,541	4,642	7,150	7,119	5,189	5,900	6,484	7,872	5,057
Incidence per million		1,316	3,621	3,978	3,276	3,006	3,385	4,862	4,867	4,976	7,664	7,631	5,562	6,324	6,950	8,438	
Hardoi - cases	931,377	1,142	4,382	4,028	3,285	3,148	4,610	931,377	3,511	4,054	5,251	5,269	4,633	4,323	4,457	5,788	4,502
Incidence per million		1,226	4,705	4,325	3,527	3,380	4,950	5,391	3,770	4,353	5,638	5,657	4,974	4,642	4,785	6,214	
Khera - cases	738,604	413	2,062	2,362	2,201	2,000	2,294	737,732	3,339	2,891	3,963	4,714	3,270	3,286	3,355	4,833	3,991
Incidence per million		559	2,792	3,198	2,980	2,708	3,106	4,736	4,526	3,874	5,310	6,316	4,381	4,403	4,495	6,476	
Faizabad - cases	1,441,028	2,047	5,148	5,797	5,790	5,502	7,368	922,360	8,554	8,201	11,178	8,492	7,439	7,276	6,622	8,916	6,494
Incidence per million		1,421	3,572	4,023	4,018	3,818	5,113	9,467	9,274	8,000	10,905	8,285	7,257	7,098	6,460	8,698	
Gonda - cases	1,168,462	1,722	4,905	6,801	5,272	4,670	5,631	1,166,515	6,463	6,992	9,700	9,709	8,049	5,629	5,894	9,604	5,602
Incidence per million		1,474	4,198	5,820	4,512	3,997	4,819	6,032	5,540	5,994	8,315	8,323	6,900	4,825	5,053	8,233	
Bahraich - cases	774,640	1,169	3,328	4,255	4,018	2,373	3,289	774,640	4,047	4,251	5,823	6,352	5,369	4,591	4,669	7,717	5,561
Incidence per million		1,509	4,296	5,493	5,187	3,063	4,246	4,349	5,224	5,488	7,517	8,200	6,931	5,927	6,027	9,962	
Rae Bareilly - cases	783,246	872	2,218	3,301	2,904	3,765	4,998	988,636	6,978	7,874	9,948	9,071	5,827	6,663	7,019	10,808	6,311
Incidence per million		1,113	2,832	4,215	3,708	4,807	6,381	6,705	7,058	7,962	10,058	9,172	5,892	6,737	7,097	10,928	
Sultanpur - cases	930,663	1,375	4,651	6,152	5,018	4,415	6,764	1,070,594	5,363	6,041	8,893	7,749	5,771	5,772	4,832	6,689	5,803
Incidence per million		1,477	4,998	6,610	5,392	4,744	7,268	6,121	5,009	6,039	8,890	7,446	5,769	5,770	4,830	6,687	
Partabgarh - cases	936,263	1,338	3,129	4,083	3,326	2,911	3,226	784,154	3,997	4,346	6,307	5,453	3,496	3,450	3,682	5,365	4,683
Incidence per million		1,429	3,342	4,361	3,552	3,109	3,446	4,871	5,097	5,553	8,058	6,967	4,466	4,408	4,704	6,880	

Map 6.2

O U D H

Density of Population
in 1869

Scale: 1 : 2027520 or
1 inch to 32 miles



It will be observed in table 6.8 and map 6.1 that the area most given to crime was located in southern and eastern Oudh and comprised a belt of three districts, Faizabad, Sultanpur and Rae Bareilly. The trans-Ghagra districts, Bahraich and Gonda and Lucknow district, excluding the capital city, had a high incidence of crime. Two central districts, Sitapur and Barabanki, and the district at the Southern tip of Oudh, Partabgarh, had low frequencies of crime. The western belt of three districts Unnao, Hardoi and Kheri was the least affected by crime. The capital city of Lucknow, of course, had the highest per capita crime rate in the province; it was nearly one and a half times that obtained in Faizabad, the district most given to crime in Oudh.

These regional variations were caused by a number of factors. The density of population has a large role to play in criminal behaviour. Other things being equal a higher density of population gives rise to a higher rate of crime. Table 6.2. illustrates this. Oudh with a density of 467 persons per square miles had the highest incidence of offences against property. The North-Western Provinces and the Panjab came next in order with densities of 359.5 and 183.71 respectively. Within Oudh the densely populated city of Lucknow had the highest incidence of crime. It will be observed in table 6.10 and map 6.2 that out of seven districts with a greater density than the provincial average four had a higher incidence of crime than the mean for the whole of Oudh. The position of eight districts in order of criminality either matched, or varied by only one or two places, their position in order of density of population.

TABLE 6.10.⁸⁴

The density of population and the incidence of crime by districts

District	Mean incidence of crime per million people	Order of criminality	Density of population	Order according to density
Lucknow city	9,762	1	7,910	1
Faizabad	6,495	2	623	3
Rae Bareli	6,284	3	568	5
Sultanpur	5,763	4	588	4
Gonda	5,601	5	434	9
Bahraich	5,562	6	286	12
Lucknow district excluding city	5,517	7	530	8
Sitapur	5,055	8	425	10
Barabanki	5,015	9	641	2
Partabgarh	4,683	10	550	6
Hardoi	4,502	11	382	11
Unnao	4,260	12	536	7
Kheri	3,991	13	245	13
Provincial average	5,050		467	

84. The data for the table are extracted from AARs and PARs, 1861-77. For the calculation of the density the area of the districts has been extracted from AAR, 1870-71 and population from AARs 1876-77.

TABLE 6.11.⁸⁵

The pressure of population on land and the incidence of crime by districts

District	Mean incidence of crime per million people	Order of criminality	Cultivated acres per agricultural male adult	Order according to pressure on land
Faizabad	6,495	1	2.7	1
Rae Bareli	6,284	2	3.5	7
Sultanpur	5,763	3	3.05	2
Gonda	5,601	4	3.39	4
Bahraich	5,562	5	5.00	10
Lucknow	5,517	6	3.36	5
Sitapur	5,055	7	5.2	12
Barabanki	5,015	8	3.6	8
Partabgarh	4,683	9	3.1	3
Hardoi	4,502	10	4.1	9
Unnao	4,260	11	3.4	6
Kheri	3,991	12	5.02	11

Table 6.11 illustrates the effect on crime of the pressure of population on land in the predominantly agricultural province of Oudh. It will be observed that among the six districts with the highest incidence of crime the position of four in order of criminality either corresponded or closely corresponded to their position in order of pressure of population on land. In Kheri, in addition to the large area of cultivated land per capita of the population, large tracts of waste land were let out to be colonised and brought under cultivation.⁸⁶ It must have created vast opportunities of satisfying land hunger and

85. The data for the table are extracted from AARs and PARs, 1861-77 and Williams: *op. cit.*, i, 5.

86. AARs 1861-62, 1862-63 and 1863-64.

providing gainful employment to those who had lost their jobs after the annexation. As a result the district had the lowest incidence of crime.

The composition of the population in various districts affected the regional distribution of crime as is illustrated by table 6.12.

TABLE 6.12.⁸⁷

Composition of population in districts and its effect on criminality

District	Order of crimi- nality	Proportion of Brahmans to population in p. c	Proportion of Rajputs to population in p. c.	Proportion of Muslims to population in p. c.	Combined proportion of Brahmans & Rajputs and Muslims in p. c.	Proportion of Pasias to popul- ation in p. c.
Faizabad	1	21.19	10.53	9.4	41.12	2.63
Rae Bareli	2	12.93	6.27	4.3	23.5	5.95
Sultanpur	3	13.47	7.85	9.9	31.22	4.99
Gonda	4	17.41	4.22	10	31.63	2.46
Bahraich	5	9.19	2.64	12.7	24.53	3.81
Lucknow	6	7.7	5.90	19.3	32.9	10.17
Sitapur	7	10.68	4.26	12.6	27.54	7.8
Barabanki	8	6.25	2.89	14.6	23.74	6.68
Partabgarh	9	16.70	8.09	8.2	32.59	7.47
Hardoi	10	12.03	8.06	9.2	29.29	6.72
Unnao	11	11.54	6.28	7.2	25.02	6.8
Kheri	12	8.1	3.5	10	21.06	6.82
Provincial average		12.5	5.93	10.9	29.33	5.81

87. The data for the table are extracted from Williams: op.cit., ii, Table V and the population figures in table 6.9. Figures of the population of Muslims have been extracted from Williams, op.cit., i, 115.

The Brahmans, the most numerous caste in Oudh, with a high level of incidence of crime, formed more than the average part of the population in four out of six districts most affected by crime. Their proportion was less than the provincial average in five out of the six districts with a lower incidence of crime. Faizabad, with the highest crime rate, had more Brahmans than any other district in Oudh; they formed more than one-fifth of its population. The first three districts in order of criminality had a higher than the provincial average proportion of Rajputs, a caste which was second only to the Pasis in order of criminality of various social groups in Oudh.⁸⁸ Faizabad had the highest concentration of Rajputs in Oudh while Kheri, with a low proportion of Rajputs, had the lowest incidence of crime. The Muslims, who were the third in order of criminality, formed more than two-fifths of the population of the city of Lucknow.⁸⁹ The city had the highest rate of crime in the province.⁹⁰ Their proportion in the five districts, holding fourth to eighth places in order of criminality, was higher than the provincial average. If the combined proportion of Brahmans, Rajputs and Muslims were taken into account, it would be observed that it was higher than the mean for the whole of Oudh in four of the six districts with a high rate of crime; it was lower than the provincial average in five out of the six districts with the lower incidence of crime.

Quite inexplicably the position of the Pasis does not seem to fit into the general pattern. Their proportion was generally higher in the districts with low rates of crime. It might be that the contentment,

88. See table 6.6, supra.

89. Williams, op.cit., i, 115.

90. See table 6.6, supra.

or otherwise of their Chaukidar brethren might have affected the regional distribution of their criminality. It is noteworthy that the Chaukidars of Faizabad division, consisting of Faizabad, Gonda and Bahraich districts and Sultanpur, were the most discontented in the province; those of Lucknow and Khairabad divisions, comprising Lucknow, Unnao, Barabanki, Sitapur, Hardoi and Kheri districts, were in a much better position and complaints from them were much lower in number.⁹¹ It was surely not a coincidence that the former group of four districts were the higher and the latter group the lower in order of criminality.

The police success or otherwise has a great effect on the rate of crime. It was generally recognised that a consistently high level of investigations, followed by successful prosecutions, acted as a deterrent to the criminal elements. A high degree of the probability of no, or indifferent, action on the part of the police tended to fortify the criminals with a feeling of security and thereby encouraged crime. Table 6.13 gives an analysis of the evaluation of the work of the police of various districts for a period of eight years for 1869 to 1876.

91. IG to SCC, 18 May 1865, IPPr, September 1865, 4; IG to SCC, 17 April 1864, IPPr, August 1864, 40; PARs, 1869 to 1876.

TABLE 6.13.⁹²

Efficiency of the police of various districts

Districts	Order of efficiency of the district Police								Mean value of position	Order of efficiency
	1869	1870	1871	1872	1873	1874	1875	1876		
Lucknow	1	NA	1	1	1	1	1	1	1	1
Hardoi	1	NA	3	4	5	2	2	3	2.85	2
Barabanki	3	NA	7	9	2	3	3	4	4.43	3
Kheri	5	NA	5	3	6	4	5	5	4.71	4
Faizabad	7	NA	4	5	4	5	8	8	4.86	5
Unnao	4	NA	2	7	9	8	7	7	6.28	6
Partabgarh	6	NA	6	2	3	7	11	9	6.28	6
Sitapur	9	NA	8	6	7	9	9	10	8.28	8
Sultanpur	12	NA	12	8	11	10	4	2	8.43	9
Rae Bareli	10	NA	10	11	10	6	6	12	9.29	10
Gonda	7	NA	11	12	12	12	10	6	10	11
Bahraich	11	NA	9	10	8	11	12	11	10.28	12

The consistent efficiency of the police in Lucknow, Hardoi and Barabanki explains the comparatively low incidence of crime in spite of having a fairly high density of population - Barabanki was the most thickly populated district of Oudh - with a large concentration of the classes with a high incidence of criminality. On the other hand Rae Bareli, Gonda and Bahraich had the least efficient police. This

92. The data for the table are extracted from PARs, 1869-76, and AARs, 1875-76 and 1876-77. The Inspector General used to prepare during those years an order of efficiency for various district police forces with regard to their work of investigation, apprehension and conviction of criminals, and the proportion of stolen property recovered by them. To work out the cumulative order of efficiency for all the years, the sum of the numbers indicating the position in various years of each district was used to calculate the mean. The lowest mean would denote the greatest efficiency and other positions have been allocated according to the ascending mean. This assessment did not take the crime rate of the district into account.

might have been the reason for a high rate of crime in those districts in spite of the comparatively low density of population, the lower pressure of population on land and the lower proportion of classes producing the greatest number of criminals.

The most significant feature of crime in Oudh after its reoccupation was that while violent and heinous crimes were kept under check there was a tremendous rise in petty crimes against property. Oudh under the King had acquired a notoriety, perhaps not without justice, for violent crimes. In table 6.14. are given the available figures for violent crimes against the person and property during the closing years of the King's rule. It is noteworthy that Outram, who had compiled them from the official diaries of the Residents, had shown good reason for his belief that they were much below the actual number of violent crimes committed during the period. Under the corrupt circumstances then prevailing in Oudh, concealment of crime was profitable to both the criminals and the news-writers whose duty it was to report crimes to the government.⁹³

After the establishment of British rule violent crimes became much less frequent. The annual incidence of the principal crimes

93. Outram to SFD, 15 March 1855, IPFPr, 28 December 1855, 312.

TABLE 6.14.⁹⁴

Incidence of violent crimes in Oudh before the annexation

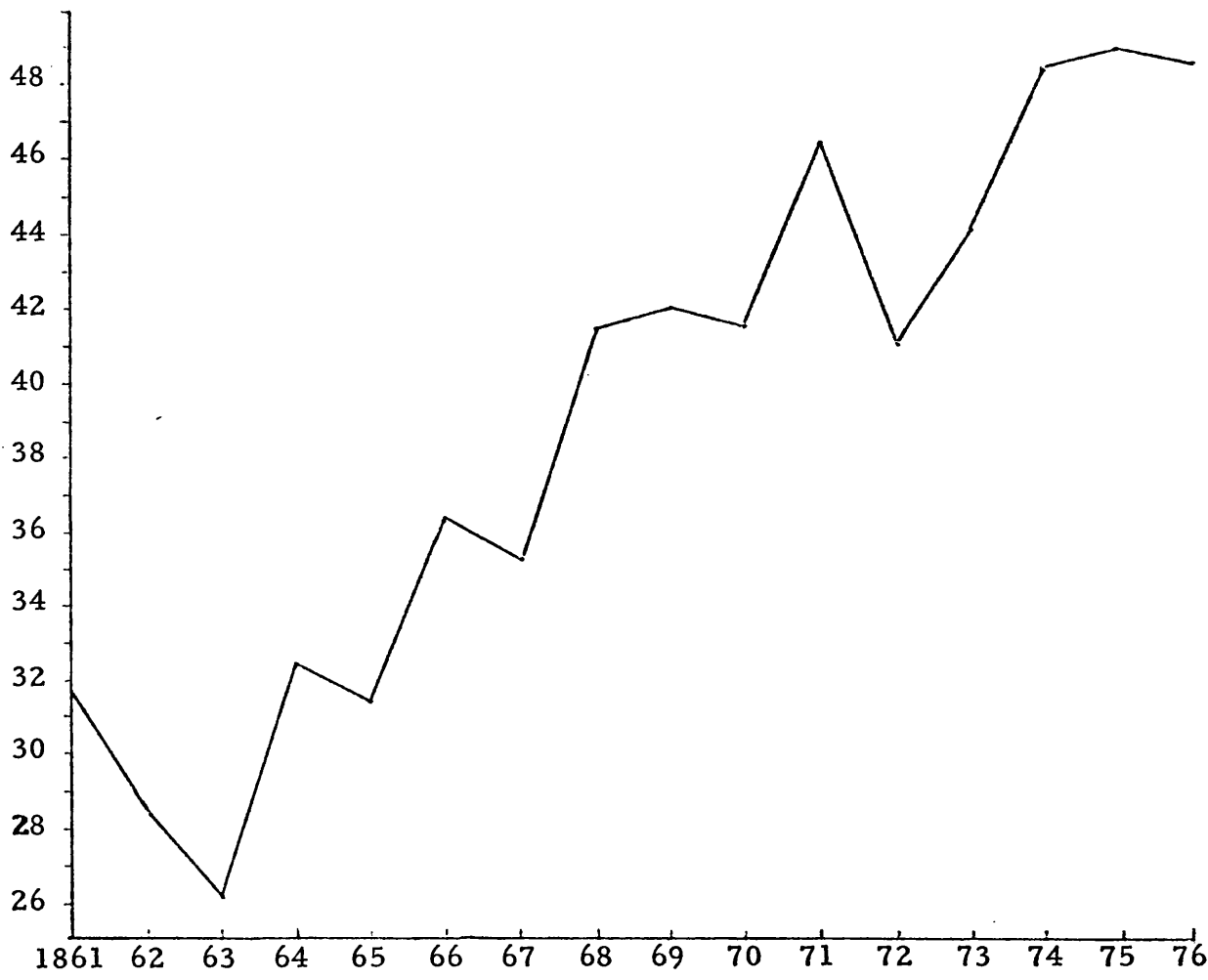
Year	Dacoities	Persons killed	Persons killed & wounded	Persons wounded	Total killed & wounded	Villages plundered or burnt	Persons forcibly abducted	Sati cases
1848	149	346	336	655	1,337	36	206	6
1849	222	798	948	126	1,872	86	150	6
1850	74	504	427	70	1,001	32	42	3
1851	158	654	624	170	1,448	69	99	7
1852	112	796	993	272	2,011	108	146	10
1853	104	755	668	531	1,954	88	391	9
1854	212	544	561	286	1,391	128	459	3
Av. per year	147.28	628.43	650.71	294.28	1,573.43	78.14	213.28	6.28

against the person has been exhibited in table 6.15. The number of cases of murder, culpable homicide, attempted homicide and grievous hurt taken together averaged 436 each year from 1861 to 1876. This compares favourably with the average of 1,573.43 for 1848 to 1854. Cases of murder and attempted murder averaged 123.39 per year from 1861 to 1876. The annual incidence of this most violent crime remained quite uniform over the years, the standard deviation being a mere 15.31. Culpable homicide, on the other hand, had a great variation in annual incidence. Its mean

94. General Abstract of Crimes Committed in Oudh, Appendix E, IPFPr, 28 December 1855, 317. During the compilation of the table, wherever the word 'several' was used in the diaries to enumerate crimes, Outram calculated them as two for the purpose of inclusion in the table.

CHART 6.4.

Murder, Culpable Homicide and Grievous Hurt, 1861-76 - Number of cases per million of population.



incidence was 61 for the years from 1860 to 1876 with a standard deviation of 10.93. Its incidence became higher as the years went by. The mean for the first six years in table 6.15. was 50.5 as against 69.5 for the last six. Cases of grievous hurt had a steady increase in number during the period. A fall in such cases was recorded only thrice in 1863, 1870 and 1872. The mean annual growth rate during the whole period was 5.82 per cent. The mean annual incidence of grievous hurt for the last six years was 327 as against 249 for the whole period from 1861 to 1876. The combined incidence of all these types of violent crimes showed a distinct increase in the latter half of the period under study. (Chart 6.4). The annual mean

TABLE 6.15.⁹⁵

Incidence of murder, culpable homicide and grievous hurt in Oudh

Year	Murder	Incidence per million people	Culpable homicide	Incidence per million people	Grievous hurt	Incidence per million people	Total of the three crimes	Incidence per million people
1859	107	9.57	NA	NA	NA	NA	-	-
1860	130	11.63	43	3.85	NA	NA	-	-
1861	146	13.06	59	5.28	149	13.33	354	31.67
1862	108	9.66	40	3.58	169	15.12	317	28.36
1863	92	8.23	49	4.38	152	13.66	293	26.21
1864	133	11.9	56	5.01	183	16.37	363	32.47
1865	124	11.09	56	5.01	162	14.49	351	31.4
1866	128	11.45	59	5.28	220	19.68	407	36.41
1867	109	9.75	67	5.99	220	19.68	396	35.43
1868	142	12.7	70	6.26	248	22.19	460	41.15
1869	136	12.17	63	5.64	271	24.24	470	42.05
1870	145	12.97	56	5.01	264	23.61	465	41.60
1871	134	11.99	73	6.53	312	27.91	519	46.43
1872	113	10.11	61	5.46	285	25.5	459	41.07
1873	107	9.57	80	7.16	306	24.37	493	44.1
1874	125	11.18	63	5.64	353	31.58	541	48.4
1875	109	9.75	78	6.98	359	32.12	546	48.84
1876	133	11.9	62	5.55	248	31.13	543	48.58
Av.	123.39	11.04	60.89	5.45	248.8	22.26	436	39

95. The data for the table are extracted from AARs and PARs, 1859-1876.

up to 1867 was 354 as against 500 of the later period. In this respect it agrees with the trend of all cognizable crimes which occurred in much greater number during the latter period than the former due to the repeated periods of agricultural distress after 1867.⁹⁶

Traditionally, three kinds of motives, Zar, Zan, Zamin, or wealth, women and land, were considered to be responsible for violent crime. The first and the third would fan the covetous instincts of criminals. All deaths and injuries at the hands of robbers and dacoits and also those originating in disputes about land can be attributed to such motives. However, the incidence of crimes involving death did not seem to vary with the level of agricultural prosperity. It appears that such extremes of crime against the person were committed under the influence of intense emotions which were little affected by the seasonal variations in prosperity. Women were the cause of a substantial number of murders. In 1867, 1868 and 1869, the data for which are available 25, 29 and 19 such murders were respectively committed.⁹⁷ Brahmans, Rajputs and Pasis, in descending order, were the most frequently involved in such murders.⁹⁸

The police was able to deal with such crimes with a considerable degree of success. On average 63 per cent of all the reported cases of murder and 70 per cent of all the cases of culpable homicide from 1865 to 1876 ended in conviction leading to severe sentences.⁹⁹ This must have acted as a great deterrent to criminals.

96. See table 6.1.

97. Statistical returns of crimes, PAR, 1867-68, 1868-69 and 1869-70.

98. SCC to SHD, 19 February 1972, IPPr, August 1873, 2.

99. Calculated from the statistics of reported crime and number of cases convicted for the period 1865-76 extracted from PARs, 1869 to 1876.

However, a number of cases of mysterious murders of travellers in the Unnao district on the roads leading north and north-east from the Ganga bridge at Kanpur in 1859-61 worried the administration very much. The culprits, except in two cases which were committed by the policemen themselves, were never discovered.¹⁰⁰ All of them were committed within a small area and often ropes or strings were found to be tied around the necks of the victims. It was suspected that they were Thagi cases. However, the Superintendent of the Thagi and Dacoity Department, after a thorough enquiry and analysis ruled out this possibility.¹⁰¹ Strong preventive and repressive measures, including the sequestration of proprietary rights in some villages and the quartering of a large number of extra policemen in the area at the cost of the local residents stopped the occurrence of the crime.¹⁰²

The crime of Thagi had reappeared in Oudh during 1858-59. It came to an end after the Thags, who had been released by the mutineers from the Lucknow Jail, were apprehended and punished after the reoccupation.¹⁰³ The Chief Commissioner became so confident of its final extinction that on his strong representation the establishment of the Thagi Department was withdrawn from Oudh in 1861.¹⁰⁴

100. SCC to SFD, 30 March 1861, IPFPr, April 1861, 156; Wingfield to Canning, 15 March 1861, Canning Papers, 26.

101. Major Hervey to SFD, 17 July 1861, 15-17, IFJPr, February 1862, 128.

102. AAR, 1860-61, 40.

103. SCC to UnSGL, 5 November 1863, IPPr, December 1863, 1; Major Hervey to SFD, 17 July 1861, 14, IFJPr, February 1862, 28.

104. SCC to SFD, 18 November 1861, IFJPr, December 1861, 3; Major Hervey to SFD, 17 July 1861, 14, IFJPr, February 1862, 28; SCC to SFD, 5 September 1860, IPPr, December 1863, 1.

TABLE 6.16.¹⁰⁵

Violent crimes against the person and property in Oudh

Year	Dacoity	Incidence per million people	Robbery	Incidence per million people	Total of the two crimes	Incidence per mill- ion peop- le
1861	24	2.17	131	11.72	155	13.87
1862	33	2.95	129	11.54	162	14.49
1863	33	2.95	134	11.99	167	14.94
1864	58	5.19	174	15.57	232	20.75
1865	34	3.04	143	12.79	177	15.83
1866	22	1.97	137	12.26	159	14.22
1867	18	1.61	86	7.69	104	9.30
1868	23	2.06	88	7.87	111	9.93
1869	27	2.42	128	11.45	155	13.87
1870	21	1.89	189	16.91	210	18.19
1871	22	1.97	193	17.26	215	19.23
1872	35	3.13	200	17.89	235	21.02
1873	32	2.86	251	22.45	283	25.32
1874	41	3.67	167	14.94	208	18.61
1875	27	2.42	156	13.96	183	16.37
1876	24	2.17	185	16.55	209	18.69
Av.	29.62	2.65	150.6	13.47	185.31	16.58

Before the annexation Oudh was notorious for the high incidence of dacoity. There were on average more than 147 dacoities per year from 1848 to 1854.¹⁰⁶ These crimes were particularly audacious and atrocious. A very large number of them were committed by professional gangs with lighted torches.¹⁰⁷ After 1859 the crime of

105. The data for the table are extracted from AARs and PARs, 1861-76.

106. See table 6.14.

107. DySCC to SHD, 31 August 1869, IPPr, September 1869, 15.

dacoity diminished significantly. The mean annual incidence from 1861 to 1876 was 30 or only 2.65 cases per million of the population. Only in two years as can be seen in table 6.16., did the number exceed 40. The relative agricultural distress seemed to have no significant effect on its extent.

It is to be noted that this crime as defined by the Indian Penal Code was not necessarily as atrocious as that which occurred before the annexation. A robbery committed by five or more persons was termed as dacoity.¹⁰⁸ Most of the cases of dacoity after the reoccupation were classified as such in the technical sense of the definition given in the Code though they had none of the features of the dreaded crime known in Oudh earlier.¹⁰⁹ It may fairly be admitted that gang dacoity of the most violent kind was rooted out in Oudh after 1859.

Robbery was a more common crime in the province than dacoity. It was defined in the Penal Code as a theft or extortion which was aggravated by actual or threatened violence or wrongful restraint.¹¹⁰ Therefore, it included a large number of cases of theft accompanied by a little violence, such as the snatching of ear rings which tore the ear lobes. Its incidence was, therefore, more responsive to the level of economic prosperity. The number of robberies recorded substantial increases in the difficult years of 1864 and 1869-73. Still the crime was not very widespread in Oudh. The

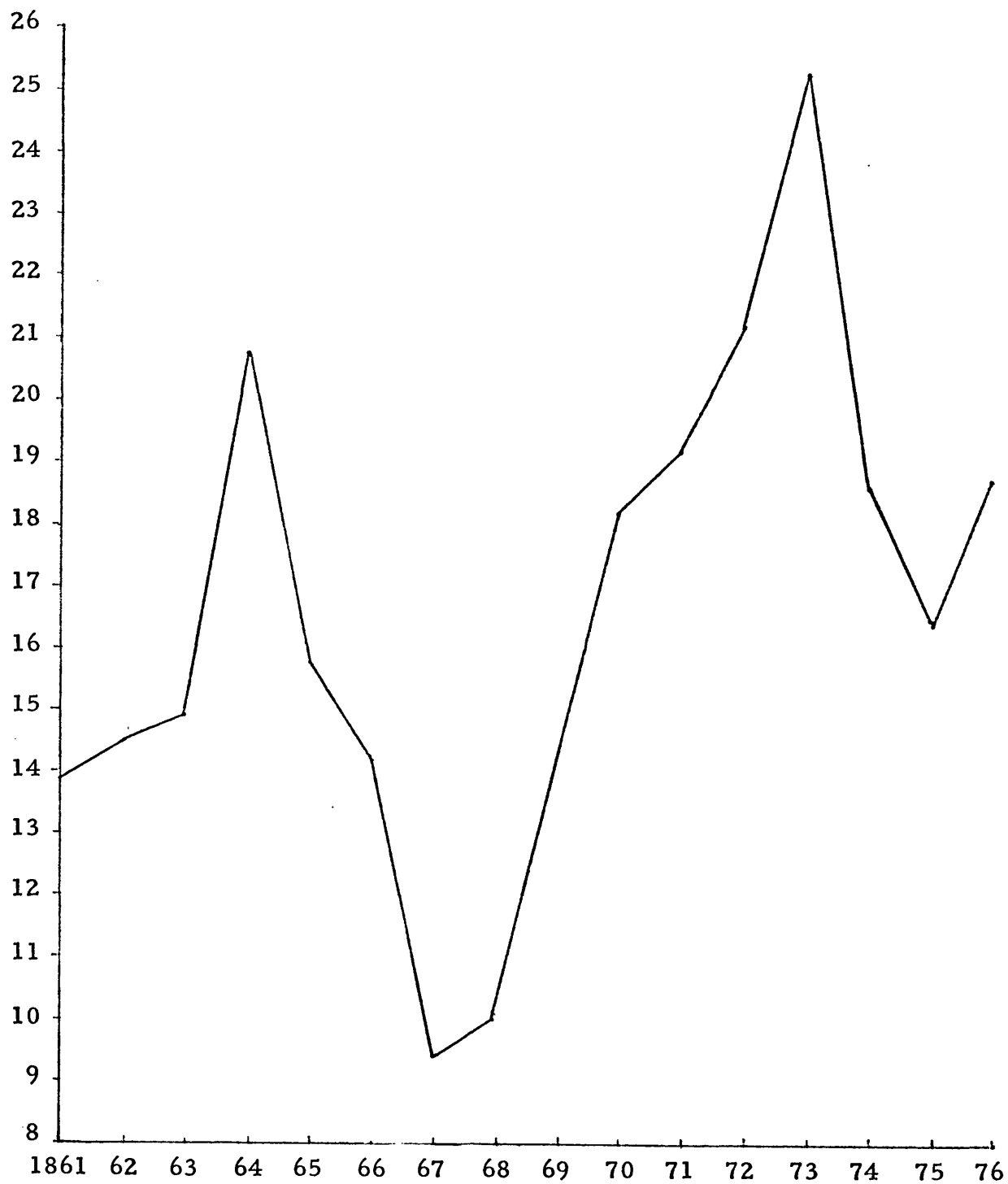
108. Section 391 of the Indian Penal Code reads: 'When five or more persons conjointly commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing or aiding is said to commit "dacoity". Vide Nayar: "Violence and Crime in India; A Quantitative Study", 20.

109. DySCC to SHD, 31 August 1869, IPPr, September 1869, 15; AAR, 1869-70, 161.

110. Indian Penal Code, Sec. 390, Nayar: op.cit., 20.

CHART 6.5.

Dacoity and Robbery, 1861-77 - number of cases per million of population



number of robberies averaged 150.6 per year with an incidence of 13.47 per million of the population. But its incidence increased with the passage of time. During the eight-year period from 1861 to 1868 the mean annual incidence was 127.75; during the following period of eight years, 1869-76, the average rose to 183.63 per year. The average of the combined incidence of both the types of violent crimes against the person and property amounted to 185.31 per year and 16.58 cases per million of the population as is illustrated by chart 6.5. and table 6.16.

There was a considerable increase in the robberies committed by administering poison in 1865-66 when their number reached 15 and 13 respectively.¹¹¹ Usually their number remained below ten. They were committed by professionals.¹¹² However, a vigorous police action put them down.¹¹³

The regional distribution of violent crimes against the person and property from 1867 to 1876 followed generally the distribution of crime in general. Table 6.17. shows that five districts are common in first six places in order of the incidence of all the reported crime as well as that of dacoity and robbery. The first and the last places in both the lists are held by the same districts. Such a position could be expected because crime against property formed a predominant part of the sum of all crimes in the province.

111. PAR, 1865-66 and 1866-67.

112. IG to SCC, 19 April 1866, 192, PAR, 1865-66.

113. IG to SCC, 19 June 1873, IPPr, August 1874, 29.

TABLE 6.17.¹¹⁴

Incidence of violent crimes against the person and property in the districts.

District	All robberies & dacoities from 1867 to 1876	Average for each year	Mean incidence per million people	Order of incidence of dacoities & robberies	Order of incidence of all crimes
Faizabad	413	41.3	40.3	1	1
Barabanki	291	29.1	26.1	2	8
Rae Bareli	189	18.9	19.1	3	2
Lucknow	94	9.4	18.6	4	6
Sultanpur	135	13.5	17.2	5	3
Gonda	190	19	16.3	6	4
Partabgarh	123	12.3	15.7	7	9
Bahraich	104	10.4	13.4	8	5
Sitapur	122	12.2	13.1	9	7
Unnao	89	8.9	9.4	10	11
Hardoi	83	8.3	9.1	11	10
Kheri	44	4.4	5.9	12	12

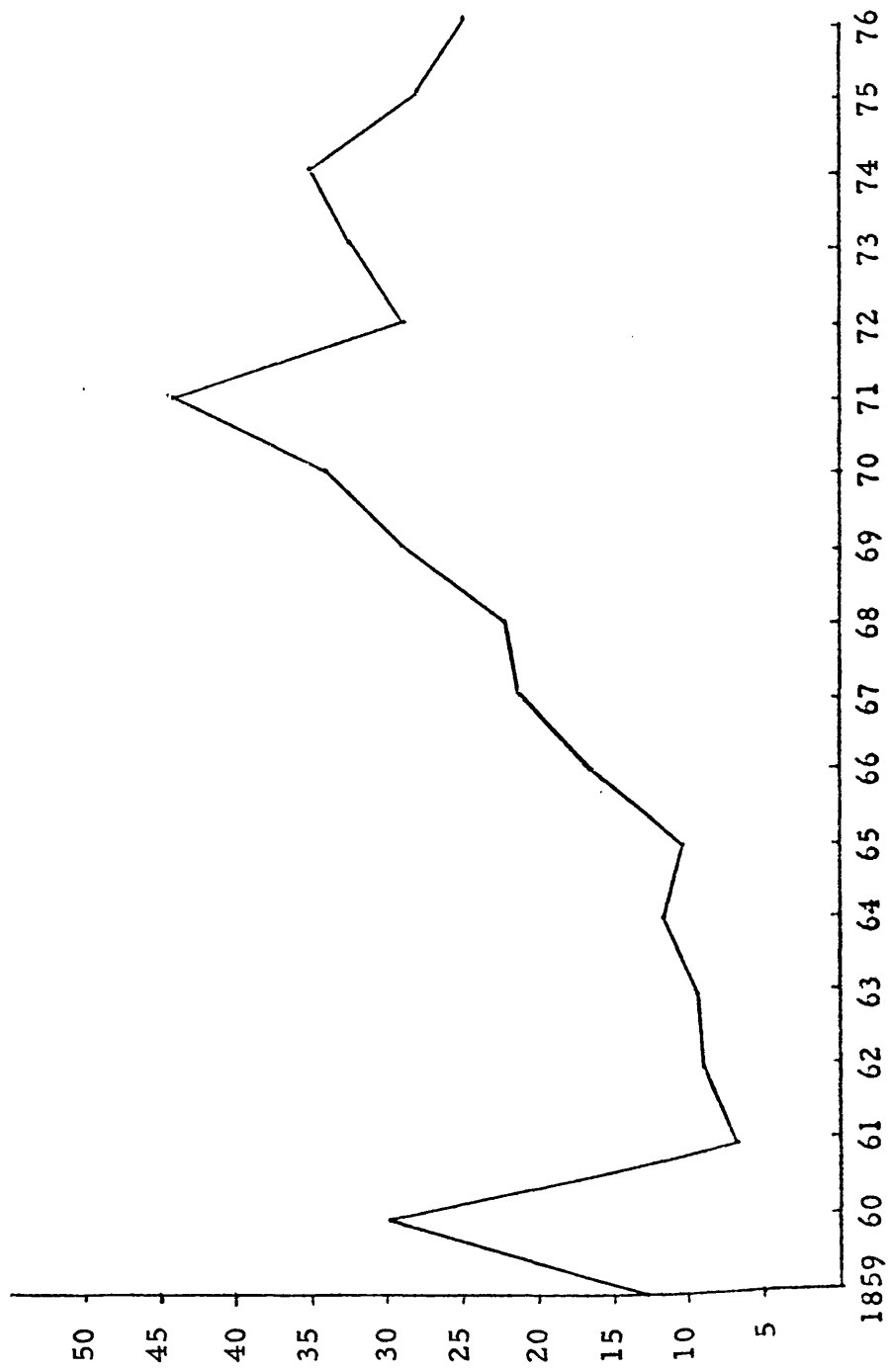
Among all the violent and heinous crimes that beset Oudh, rioting and unlawful assembly was the only one whose incidence increased very sharply during the period under study.¹¹⁵ The number of cases rose from 78 in 1861 to a peak of 495 in 1871. The mean annual rate of growth was 20.29 per cent. Its increase was checked in 1872 when most of the other crimes recorded a rise. After a rise during the following two years, the frequency of the offence again declined; in 1876 only 283 cases were reported. It still remained higher than in

114. The data for the table are extracted from PARs, 1867-76.

115. The Penal Code defined riot as follows: 'Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.' Vide Nayar, op.cit., 16.

CHART 6.6.

Riots, 1859-76 - number of cases per million of population



any year, except 1860, before 1869. The average annual incidence for the whole period under study amounted to 252.83. The mean for the last five years, after the peak was passed, was 336 cases per year. It was still higher than the highest number of cases of this crime recorded in any one year during the 'sixties. Table 6.18. and chart 6.6. illustrate the incidence of this crime in Oudh from 1859 to 1876.

TABLE 6.18.¹¹⁶

Incidence of riots and unlawful assembly in Oudh

Year	Cases of riot and unlawful assembly	P.C. of growth over the preceeding year	Incidence per million people
1859	143	-	12.79
1860	330	131	29.52
1861	78	- 76	6.97
1862	102	30.76	9.12
1863	103	1	9.21
1864	131	27.18	11.72
1865	118	- 9.9	10.55
1866	286	57.6	16.63
1867	234	25.8	20.93
1868	246	32.25	22
1869	324	31.7	28.98
1870	382	17.9	34.17
1871	495	29.58	44.28
1872	327	- 33.93	29.25
1873	365	11.62	32.65
1874	392	7.39	35.06
1875	312	- 20.4	27.91
1876	283	- 9.29	25.31

116. The table is compiled from the data extracted from AARs and PARs, 1859-76.

Oudh was one of the most riot-prone regions in India. The steady rise in the occurrence of riots from 1859 to 1874 caused a great amount of anxiety to the officers. Only thrice during that period, in 1861, 1865 and 1872, was there a fall in this crime. Its incidence was about four times that in the neighbouring North-Western Provinces in 1873. There occurred 365 and 252 cases in Oudh and the North-Western Provinces respectively in that year; the incidence per million of the population amounted to 32.65 and 8.37 respectively.¹¹⁷ Such crimes were more rife in Oudh than among even more turbulent population elsewhere.¹¹⁸

One of the principal reasons for this was the nature of the people themselves. They were robust, high-spirited and martial.¹¹⁹ The Brahmans and Rajputs of the province were especially so.

Nearly the whole population was armed with lathis; 'every second man carries a lathi and everyone owns one'.¹²⁰ With iron bound ends, it could be a lethal weapon in the hands of an expert.¹²¹ Some heated argument, an imaginary slight or a sense of being wronged would induce men to come to blows. Quite often such men would be the proudest and the most sensitive and upright. A majority of rioters came from the respectable and often economically better off sections of the population. The prison officers found them to be quite unlike other prisoners in moral values and behaviour. In the jails they would behave with a dignity and uprightness that was quite surprising.¹²²

117.AAR, 1874-75, 28.

118.Resolution HD, 11 January 1875, IPPr, January 1875, 16.

119.AAR, 1869-70, 110.

120.JC to SCC, 11 March 1867, IJPr, July 1867, 77, Appendix; SCC to IG, 1 August 1872, PAR, 1871-72.

121.PAR, 874-75, 145.

122.AAR, 1869-70, 319. The Inspector General of Prisons wrote, 'Men imprisoned for rioting are the most respectable portion of the jail community, the most honest, truthful and influential with their fellows. In many instances they are more worthy of being entrusted with the jail offices of responsibility than the majority of the lower grades of the paid jail servants. From this class therefore the convict warders and overseers are as a rule selected.'

The Brahmans and Rajputs were the most given to riots.¹²³ It might be that their exaggerated sense of social superiority by virtue of their belonging to the highest castes made them more sensitive to actual or imaginary slights. Such a sensitivity must have been rendered the keener by the circumstance of their being

TABLE 6.19.¹²⁴

Incidence of riots in the districts.

District	Mean annual number of cases of riot 1867-1876	Incidence per million people	Order of the incidence of riots	Proportion of Brahmans and Rajputs in p.c.
Sultanpur	55.3	55.3	1	21.32
Hardoi	36.3	39.7	2	20.09
Barabanki	42.1	37.9	3	9.14
Gonda	37.8	32.4	4	21.63
Faizabad	32.5	31.7	5	31.72
Rae Bareli	27.6	27.9	6	19.2
Bahraich	21.3	27.5	7	11.83
Unnao	25.2	26.6	8	17.82
Sitapur	20.7	22.1	9	14.94
Lucknow	10.6	21	10	13.61
Kheri	11.3	15.1	11	11.6
Partabgarh	8.9	11.4	12	24.79

forced out of the profession of arms after the Revolt and their gradual but certain reduction to the level of unskilled day labour or that of ordinary tenants-at-will under the pressure of economic circumstances. It is remarkable that five out of the six districts

123. PAR, 1874-75, 157; AAR, 1869-70, 136.

124. The data for the table are extracted from PARs, 1867-76 and table 6.6.

with a high incidence of riots were also those inhabited by a higher proportion of Brahmans and Rajputs than the provincial average. This fact is substantiated by table 6.19.

Disputes connected with land gave rise to the majority of riots. This was a natural consequence of the fact that it changed hands quite often during the Nawabi regime. Rights in land were in a very unsettled condition.¹²⁵ The people had a tradition and tendency to settle such rights by force rather than long drawn litigation.¹²⁶ The increasing pressure on land and the consequent rise in its value also gave rise to many disputes.¹²⁷ Table 6.20. displays the extent to which the matters connected with land, namely land, irrigation, crops, groves, right of grazing and rent, were responsible for cases of riot.

TABLE 6.20.¹²⁸

Proportion of cases of riot originating in matters connected with land

	1868	1869	1870	1871	1872	1873	1874	1875	1876
Proportion in per cent of cases of riot originating in disputes connected with land	60	64	56	66	58	52	60	65	61

The processes connected with the regular settlement remained in operation almost throughout the period under study. They were initiated in 1860 and did not finally conclude till 1878.¹²⁹ The

125. Note of Plowden, 5 July 1875, HJC, Part A, September 1875, 39 and K. W.

126. Undated note of SHD, HJC, Part A, September, 1875, 39 and K. W.

127. PAR, 1874-75, 157.

128. The data for the table are extracted from PARs, 1868-76.

129. Chand: op. cit., 136.

operation, involving the demarcation of village boundaries, trigonometrical survey, the determination of proprietary and other rights in land, and often the division of joint properties in coparcenary villages, raked up almost simultaneously all the old disputes. Attempts to solve them quickly and privately caused many a riot. Before the commencement of, or in the early stages of, the settlement many persons tried to create the proverbial 'half the right' by a forcible possession of the disputed properties.¹³⁰ After the completion of the settlement in any area many persons who were displaced by it or who failed to establish their rights by legal means resorted to force.¹³¹ Often the technicalities of the judicial procedure led to feelings of injustice.¹³² All these factors were perhaps responsible to a very large extent for the rapid increase in the incidence of the crime every year until 1871 by which time settlement operations were practically over in most of the regions of Oudh. After that year the highest number of riots in any one year fell short by 21 per cent of those that occurred in 1871.¹³³

Oudh was studded with jhils, or large but shallow natural depressions filled with water, providing common irrigation facilities to those whose fields lay nearby.¹³⁴ These would give rise to disputes about irrigation rights. Such a tendency became strongly marked in the years of low and irregular precipitation, such as 1868, 1869, 1873 and 1875.¹³⁵ With an increasing pressure on land and extension of cultivation, grazing rights on barren and waste lands became more

130. IG to SCC, 20 February 1867, IPPr, June 1867, 16; JC to SCC, 11 March 1867, IJPr, July 1867, 27, Appendix.

131. IG to SCC, 19 April 1866, 33, IPPr, November 1866, 4; PAR, 1871-72, 138.

132. PAR, 1874-75, 157.

133. See table 6.15.

134. PAR, 1869-70, 140.

135. Ibid.; PAR, 1865-66, 177; Classification of the causes of riots in PARs, 1868-76.

valuable. Disputes about such rights often resulted in broken heads and limbs.¹³⁶

However, the general character of riots and the extent of the violence used under British rule was quite different from what it used to be before the annexation.¹³⁷ This does not mean that particularly violent and atrocious crimes of this nature became totally extinct. Some of them, like the one that occurred at Sarkandradih in Sultanpur district in November 1867 when nearly all the male members of the family of a landholder were brutally murdered by a crowd of two hundred rioters gathered by the beating of drums and the blowing of the turahi, a big pipe organ producing a loud sound, were reminiscent of the violent riots of the Nawabi era.¹³⁸ But the vast majority of the riots were marked by much less violence. The loss of life was generally very low; only five riots each in 1873 and 1874 resulted in deaths and there were only eight such riots in 1875. Riots attended with grievous hurt were 25, 8 and 10 in number in 1873, 1874 and 1875 respectively.¹³⁹ The complete disarming of the population just after the reoccupation had deprived the would be rioters of the wherewithal for particularly violent crime. The rioters, who generally did not belong to the criminal classes, had a wholesome respect for the police. Often the presence of a single policeman would prevent an impending riot or break up one that had already started before his arrival.¹⁴⁰ This, with the policy of putting the possible parties

136. Ibid.

137. PAR, 1874-75, 145; 1875-76, 173.

138. IG to SCC, 13 March 1868, 166, IPPr, August 1868, 1.

139. PARs, 1873 to 1875.

140. AAR, 1871-72, 52.

of a threatened outbreak on security and the greater vigilance of the police, ultimately led to the success of police and a decline in the incidence of riot after 1871.¹⁴¹

Riots of a communal character were, but for one case in Hardoi district in 1868, absent in Oudh during the period under study. Tensions between Hindus and Muslims, the curse of the Indian social and political scene in a later period, remained more or less latent during this period. Just before the annexation the tension between the two communities had mounted in large areas of eastern Oudh because of the particularly sanguinary dispute regarding Hanuman Garhi in Ayodhya near Faizabad. However, the mutual amity was restored after the annexation and was strengthened by the events of 1857-58.¹⁴²

After the reoccupation a feeling of irritation slowly grew up among the fanatic elements on both sides. During the King's regime, the Hindus were under a good deal of restriction in regard to processions, ringing bells or blowing conch shells in areas containing large Muslim population and in the vicinity of mosques. After the establishment of British rule such restrictions were no longer operative. The Hindus gradually began to make use of their newly found freedom from such restrictions often with a lack of discretion. This irritated the Muslims in general and the fanatical among them in particular.¹⁴³ However, the strictness of the

141. PAR, 1874-75, 148-49.

142. For a detailed account of the Hanuman Garhi riots see Bhatnagar, G.D., Avadh under Wajid Ali Shah, 117-40.

143. AAR, 1868-69, 67.

district officers and extra vigilance on the occasions of likely trouble such as Moharram, Janma Ashtami, Vijaya Dashami and Ram Navami prevented clashes.¹⁴⁴

A clash however, did occur in 1868 at Shahabad, a town containing a large proportion of Muslims, in Hardoi district. A dispute between the Hindus and Muslims at the time of Moharram in the beginning of the year was subsided by a successful official interference. But the Muslims were left aggrieved and they did not, contrary to the custom, bury the Taziahs.¹⁴⁶ Irritation smouldered among them and flared up during the Janma Ashtami festivities in the following August. A Hindu procession was attacked. One man was killed and several were injured.¹⁴⁷ The officers acted with surprising lack of foresight. The fact that the Muslims had not buried the Taziahs ought to have kept them on the alert. The police rapidly lost control of the situation and requisitioned military help from Shahjahanpur. Order was quickly restored by the army.¹⁴⁸

While violent and serious crime declined under British rule in Oudh, there was a great increase in petty crimes against property. All kinds of theft increased from 5,685 in 1859 to a peak of 79,964 in 1872, with a mean annual growth rate of 22.55 per cent. There is,

144. Ibid. AAR, 1869-70, 474.

146. AAR, 1868-69, 67.

147. CC to SFD, Telegram, 16 August 1868, FPPr, August 1868, 209.

148. SNWP to SFD, 16 August 1868, FPPr, August 1868, 203; SNWP to SFD, 15 August 1868, FPPr, August 1868, 205; CC to SFD, 16 August 1868, FPPr, August 1868, 203.

however, a possibility that during the first two or three years such crimes might not have been reported so fully and faithfully because of the reorganisation of the village police and the inexperience of the new police. After 1872 the number of the reports progressively fell every year up to 1876. The unusual famine conditions of

TABLE 6.21.¹⁴⁹

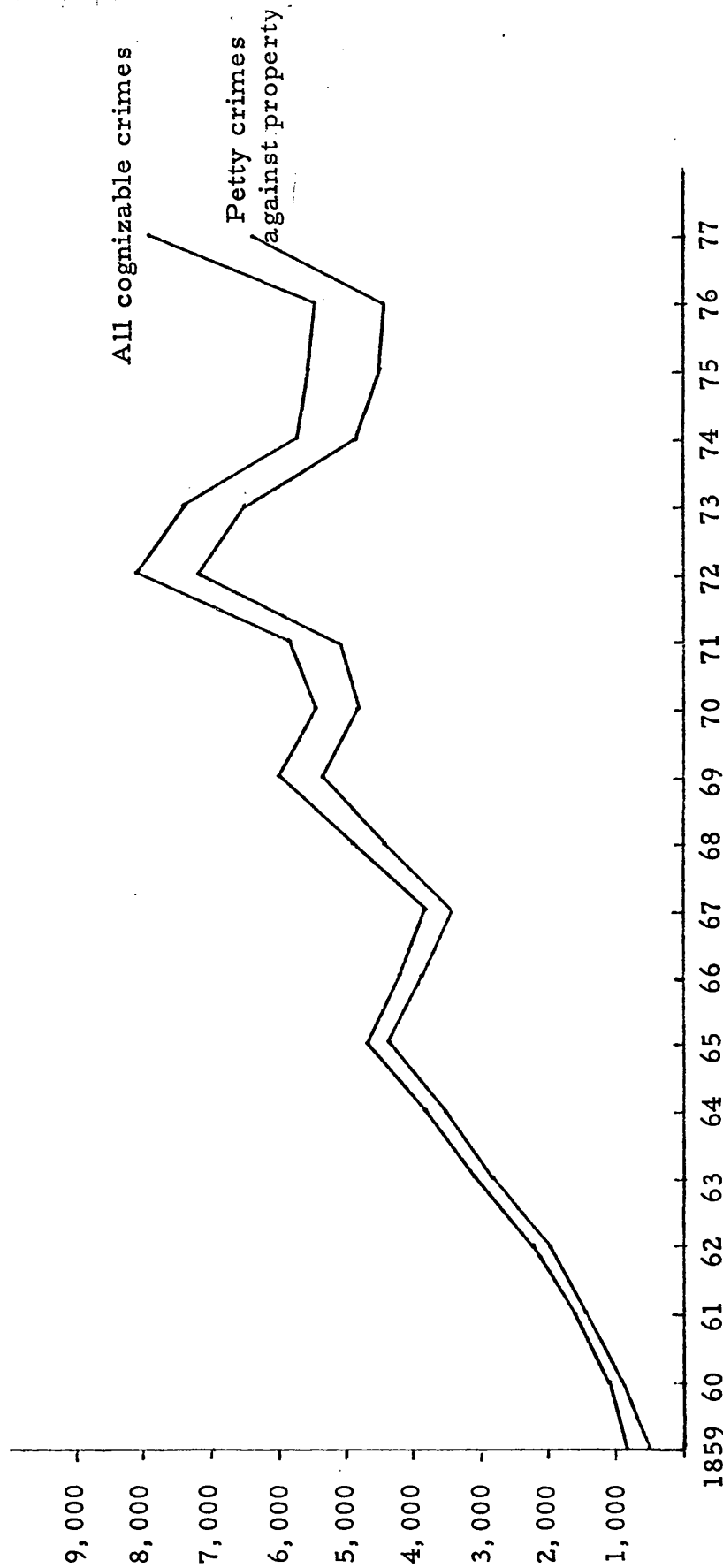
Incidence of petty crime against property in Oudh.

Year	Cases of all types of theft	Growth over the preceeding year in p. c.	Incidence per million people
1859	5,685	-	862
1860	9,963	75.25	1,127
1861	15,844	59.02	1,520
1862	21,938	38.42	2,239
1863	31,152	42	3,057
1864	39,088	25.47	3,799
1865	48,611	24.36	4,667
1866	42,725	-12	4,164
1867	38,235	-10.61	3,837
1868	49,011	28.18	4,924
1869	59,971	22.36	5,984
1870	54,078	-9.82	5,499
1871	56,360	4.21	5,836
1872	79,964	41.88	8,078
1873	72,526	-9.3	7,376
1874	54,156	-25.32	5,757
1875	51,028	-5.77	5,629
1876	49,352	-3.28	5,502
1877	71,707	45.3	7,943

149. The table is compiled from the data extracted from AArS and PARs 1859-77.

CHART 6.7.

All cognizable crimes and petty crimes against property 1859-77 - number of cases per millions of population.



1877-78 sharply increased the number of offences against property. Chart 6.7. and table 6.21 illustrate the annual incidence of theft in Oudh during the period under study.

The curve depicting petty crimes against property hugs closely that showing the tendency of all crimes.¹⁵⁰ Both have a similar tendency to rise and fall in years of scarcity such as 1869, 1872 and 1877 or of prosperity such as 1866-67, 1870 and 1874-75. In fact all types of theft formed such a large proportion of the total number of crimes that a similarity in the behaviour of the curves delineating their annual incidence is to be expected.

If we assume the mean of the annual number of cases of theft in 1870 and from 1874 to 1876 to be the average incidence in a normal year in the 'seventies, this would mean that about 53,000 cases of such petty crimes against property at the rate of 4,741 cases per million of people could be expected to occur in Oudh each year. This would amount to one theft per 211 persons living in 46 inhabited houses in the province.¹⁵¹ In the absence of the relevant data, if we assume a family in Oudh to consist of five persons, which was, if anything, low for the nineteenth century India, there would be one theft per forty two families every year. In an abnormally hard year, as 1872 was, when there occurred 7,153 cases of theft per million of population, there was one theft per 140 persons living in 30 houses constituting about 28 families. These calculations demonstrate a high incidence of theft in Oudh.

150. See chart 6.7.

151. The number of inhabited houses in Oudh was 2,438,006. Vide Williams: op.cit., ii, table V.

The picture was more grim in districts with a high incidence of petty crimes against property. In Rae Bareilly their incidence in 1876, a year of the greatest prosperity and the lowest crime for many years, was 6,019 per million of population.¹⁵² In that year there was one theft per 166 persons living in 32 houses and constituting about the same number of families. In 1872, Rae Bareilly recorded 9,632 cases of theft for the each million of its people. The other ratios work out to one theft per 104 persons or 20 houses or the same number of families. By any standard this was a very distressing situation and must have given rise to much anxiety and sense of insecurity among the people.

The steep rise in petty crimes against property might be partly explained by the general experience that while in a newly acquired province serious and violent crimes usually diminished, petty ones tended to increase. Before 1856 the King's government punished theft severely by mutilation. But the punishment under British rule would, at the worst, be imprisonment for a few months or a few strokes by the lash.¹⁵³ The people of Oudh were fully armed before 1859 and a thief, if captured, would face the worst personal violence at the hands of his captors. Even in the early phase of British rule, when its laws and character were not so very well understood by the people of Oudh, thieves were often liable to be lynched by the infuriated people who captured them.¹⁵⁴ But gradually the people learnt that any use of violence against captured offenders would soon lead them into trouble with the law.¹⁵⁵ The criminals took full advantage of this because they

152. See table 6.22.

153. JC to SCC, 28 April 1862, 31, IFJPr, December 1862, 11; SCC to IG, 20 July 1863, IPPr, April 1864, 25.

154. Campbell: Memoirs of My Indian Career, ii, 70; Campbell mentions a case of a village headman who sent to him a basketful of the heads of the captured thieves as an evidence of his faithful discharge of police responsibilities.

155. SCC to JC, 9 July 1863, IFJPr, July 1864, 105.

knew that if they were caught in the act no personal violence would occur to them and if they escaped there would be little likelihood of the case being thoroughly investigated or their being caught and prosecuted.¹⁵⁶ On an average, after all, only 33 per cent of all the reported cases were taken up for investigation by the police and only 11.5 per cent of the reported cases of theft ended in conviction between 1861 and 1876.¹⁵⁷

Before the annexation the prevention of crime was practically the responsibility of the landholders and the local aristocracy. Government officials like Nazims had neither the resources nor the capacity to do so. The Taluqdars took personal care to keep crime in their estates in check.¹⁵⁸ That sense of personal involvement in dealing with it for the well being of their tenants, on whose happiness their own personal fortunes so largely depended, was lost under the far more impersonal system of bureaucratic rule of the British. Moreover, the attention of the police was engrossed by violent and more heinous crimes as success in dealing with them attracted more credit and recognition than the painstaking and often fruitless investigation of petty thefts. Before the annexation, the Chaukidars were directly responsible for keeping crime in check and detecting offenders; in case of failure they had to reimburse the stolen amount. Under British rule they were at best, the auxiliaries of the crime detecting agency. They had no personal stake in, or responsibility for, dealing with crime.¹⁵⁹ The landholders, too, had only a very vague responsibility for aiding and cooperating with the police in

156. AAR, 1862-63, 49.

157. The proportions were calculated from the number of cases of all thefts reported, investigated and convicted, as given in AARs and PARs, 1861-76.

158. AAR, 1862-63; SCC to IG, 20 July 1863, IPPr, April 1864, 25.

159. Ibid.

its efforts to cope with crime. Under British rule the local responsibility for dealing with even the pettiest crime was done away with. This was the greatest drawback of the system introduced into Oudh after 1856. Petty crimes, by their nature, can be dealt with best by local people, having an intimate knowledge of local conditions. There would, of course, be the danger of the misuse of the responsibility entrusted to the local people for personal benefit or prejudice. This could be minimised by judicious selection and close supervision, buttressed by a defined system of rewards and punishments. But the only alternative to the system of local responsibility was many times more elaborate, and inevitably much more expensive, police for the investigation and suppression of such a huge number of petty crimes.

This weakness of the police system with regard to petty crimes was associated with a similar weakness in the judicial system. The crime of theft affected a large number of people in the interior of Oudh. The complicated procedure and the system of elaborate and formal evidence adopted for serious crimes was not quite suited to crimes which, more often than not, involved a loss of less than ten rupees.¹⁶⁰ The normal procedure required a report at the police station, often as much as twenty miles distant. After local investigations by a much over-worked police, which might reach the scene of the crime after all the clues had become stale, the victims and other people of the village might be required to attend at the thana for questioning and other enquiries. The trial of the case at the tahsil or district headquarters would require the victims and witnesses to make a round trip of, often,

160. SCC to IG, 17 June 1864, IPPr, August 1864, 40; IG to SCC, 18 May 1865, IPPr, September 1865, 4.

a hundred or more miles on foot, and might involve an absence of a week or more, according to the physical condition of the people concerned, from their regular calling; this would put the victims and others to a further loss; in the case of really indigent people, the starvation of their families might result.¹⁶¹ All this trouble and expense led to a conviction in about one third, 35 per cent to be precise, of all the cases that were investigated from 1862 to 1876. There is small wonder that about 67 per cent of all victims of theft preferred to bear their loss as best as they could without desiring the police to intervene; that would often add much more to their misery even if the police acted with good intentions, which very often was not the case.¹⁶²

This partly explains the lack of popular cooperation with the police. The police officers loudly complained against the so called apathy of the people.¹⁶³ They could not comprehend that anyone as public spirited as they would like him to be, would have to traverse long distances between their villages and thanas and between their villages and district courts on foot at the cost of their inconvenience and absence from work. For a peasant an uninterrupted attention to his crops at the crucial time of sowing, irrigation and harvesting demanded absolute priority over everything else, including the public duty.¹⁶⁴ Moreover the inclination of the people to steer clear of contact with police was fortified by the general experience that they would be unnecessarily harassed by the police if they caught thieves or volunteered their help in doing so.¹⁶⁵

161. PAR, 1868-69, 512; PAR, 1871-72, 61; PAR, 1872-73, 180.

162. The proportions have been calculated from the number of cases of theft reported, investigated and convicted given in AARs and PARs 1861-76.

163. PAR, 1872-73, 28.

164. Ibid, 97.

165. JC to SCC, 17 June 1863, IFJPr, February 1864, 81.

There was a great but peculiar difficulty about the crime of petty theft. It was an offence, theoretically speaking, against society and its cherished institution of private property and not just against the victim. For this reason it was classified as cognizable crime by the framers of the Penal Code. As such every case of theft, howsoever petty it might be, was bound to be taken cognizance of by the police, irrespective of the wish or convenience of the sufferer. But some practical difficulties beset the implementation of this provision of the law. The full enforcement of the legal responsibilities of the police necessitated the employment of a much larger force than the government could, or would, afford. The police investigated only 41.3 per cent of all the reported cognizable crimes from 1860 to 1876.¹⁶⁶ It would have required more than double the strength of the force actually employed to have had all the crimes investigated. Another important practical difficulty was that the police would become an instrument of terror and oppression if it was to pay inquisitorial visits to villages to investigate the pettiest thefts. The victims and other people would be put to additional suffering, economic and otherwise, by such investigations.¹⁶⁷ The police would thereby be an instrument of endless oppression.

To get over this difficulty, it was ruled at first that the police would not enquire into cases of theft below fifty rupees until they were so desired by the victims.¹⁶⁸ When it was found that the police misused this rule by inducing the sufferers not to require them to enquire into unpromising cases, they were ordered to investigate

166. The proportion has been calculated from the number of reports of cognizable crime and those investigated by the police given in AARs and PARs, 1860-76.

167. JC to SCC, 11 March 1867, IJPr, July 1867, 27.

168. SCC to IG, 20 July 1863, IPPr, April 1864, 25.

all the cases of theft below fifty rupees which were personally reported by the victims.¹⁶⁹ This limit was lowered to ten rupees in 1873 to improve the proportion of investigations.¹⁷⁰

Such restrictive rules had the great disadvantage of indirectly extending an open assurance to the criminals that if they confined their depredations to small amounts of property they might escape the inconvenience of a police investigation. Such practical immunity would, and perhaps did, encourage the thieves to carry on their trade with ever increasing frequency.¹⁷¹

Here therefore was the great dilemma for the administration from the horns of which they did not know how to escape. 'If we say that petty crime exists unchecked', an officer commented, 'because the perpetrators know that the police rarely take action, we cannot avoid coming to the conclusion that the government does not afford protection to the property of the people'.¹⁷² On the other hand, if the government insisted on investigating all the reported cases, it would lead to the oppression of the people at the hands of the police and the conclusion would be inescapable that the government did not care for the protection of its subjects against its own officials. Moreover it would necessitate the expenditure of a large amount of money. Obviously the administration opted for the lesser and more economical evil of the two.

169.SCC to IG, 16 April 1867, IPPr, 20 February 1867, 16.

170.SCC to IG, 4 January 1873, IPPr, June 1873, 21.

171.JC to SCC, 11 March 1867, IJPr, July 1867, 27; JC to SCC, 17 June 1863. IJPr, February 1864, 81.

172.JC to SCC, 11 March 1867, IJPr, July 1867, 27.

The third possible alternative could be the decentralisation of the investigation of crime and the judicial trial of the perpetrators by sharing such responsibilities with the people themselves. But it was so much contrary to the established practices that perhaps it never crossed the mind of the responsible officers. The harassing nature and widespread character of petty crimes against property could not be tackled by centralised police and judicial agencies. Success could not have been achieved until a procedure had been found to deal with it locally, swiftly and in a more summary manner. The low incidence of theft in Oudh before 1856, which most officers conceded, might partly be explained by the fact that it was summarily dealt with by the local potentates or their agents who lived locally and assumed the responsibility without having to depend upon the alacrity of the police in a distant thana or upon judicial procedure and the judgement of a magistrate in a far more distant district headquarters. The government did introduce the system of Honorary Taluqdar Magistrate to dispose of cases of petty crimes in their estates. But their number was small and they despatched a small amount of business because they soon lost enthusiasm for judicial work.¹⁷³ It was suggested by some officers that the work of investigating and trying cases of petty theft be entrusted to local village Panchayats, wherever they existed, the village headmen or the Taluqdars. The elaborate and formal procedure adopted in such cases, it was felt, had proved to be wholly inadequate to keep such crimes down.¹⁷⁴ It would have been almost impossible to make detailed investigations into every case of petty theft. A good local knowledge would, therefore, be an invaluable asset to deal with them and to bring the perpetrators to book.

173. See Chapter 5, supra.

174. PAR, 1871-72, 61.

Of course, there would have been many serious difficulties in adopting such a scheme of decentralisation. But they could have been overcome with time and experience. A simplified procedure, similar to those adopted in the courts of the Taluqdar Magistrate, could have been adopted by the courts thus set up. A brief record of proceedings and evidence could have been maintained on the similar lines. The judicial decisions of these local authorities could have been revised and scrutinised by the officers as was done in the case of Honorary Magistrates. In any case an action on the suggestion of the officers referred to in the last paragraph, would not have done more harm than the failure of the existing system in stemming the tide of petty crimes against property in the province.

The crime of theft and burglary is essentially an economic one and, as such, it was strongly influenced by the economic causes. The government of the North-Western Provinces thought that the reason for the greater incidence of such crimes in Oudh was the great poverty there.¹⁷⁵ The economic causes responsible for the great number of cognizable crimes in Oudh were all the more responsible for the tremendous increase in the petty crimes against property.¹⁷⁶ A very few starving men would have the moral strength to resist the temptation of stealing just for survival. The very poor health of the people entering the jails in years of scarcity was a testimony to this fact.¹⁷⁷ The great poverty of the people of Oudh was proved by the fact that a majority of thefts in the province used to be of

175. AAR of NWP, 1877-78, 2.

176. See pp. 302-13, supra.

177. JC to SCC, 22 May 1856, 5-6, IJPr, November 1866, 17A.

property less than five rupees in value. Theft of grain formed a large proportion of the cases of theft in Oudh, especially during the periods of economic distress.¹⁷⁸ The average value of stolen property in Oudh for the period 1865-76 was just over ten rupees per theft.¹⁷⁹

Such crimes were often induced by the absence of any means of secure investment for small savings. In the absence of any banking facilities the people usually invested in ornaments which held out a great temptation to thieves. The judicial officers recommended the opening of savings banks in the interior.¹⁸⁰ But such a suggestion was hardly practicable. It was impossible to open enough banks to reach even a small fraction of the 24,000 villages of Oudh. Even if it had been possible to do so, educating the illiterate mass of the people in the utility of the banking habit would have been almost a hopeless task. Moreover, the banking system required a certain level of economic development to support it; the poverty stricken people of the villages of Oudh would not have generated enough business to make banks economically viable.

There was a rapid extension of cultivation in the province after 1859, due to the rise in the value of agricultural produce and the increased pressure of population on land. This caused the population to scatter; this resulted in a considerable growth of new hamlets away from the principal habitations of the parent villages but nearer to the fields. In 1869 there already were 53,626 hamlets in Oudh

178. Ibid.

179. Average value of stolen property is calculated from the value of stolen property and number of thefts each year given in AARs, 1865-76.

180. JC to SCC, 28 April 1862, IFJPr, December 1862, 11.

and their number was still increasing. Apart from them there were 26,377 isolated huts in Oudh.¹⁸¹ Such scattered hamlets and huts could not be provided with adequate watch and ward services and their occupants were ideal prey for thieves.¹⁸²

Nearly all the police officers were unanimous in saying that the discontented state of the rural police was largely responsible for great increase in petty crimes against property.¹⁸³ They were highly dissatisfied by the mode and extent of their remuneration. The crime returns clearly establish a connection between the degree of contentment, or otherwise, of the Chaukidars and the incidence of crime in various districts.¹⁸⁴

The Chaukidars were much distracted from their legitimate work of watch and ward by the rules requiring them to report even the most trivial crime promptly at the police station many miles away. Their divided responsibility to the police and landholders was the cause of much laxity in their work. This would have facilitated the activities of thieves.

As a consequence of all these factors petty crimes against property increased as much as fourteen times in as many years after 1859. The police failure to tackle this crime was noteworthy. They could recover only 19.3 per cent of all the property stolen from 1860 to

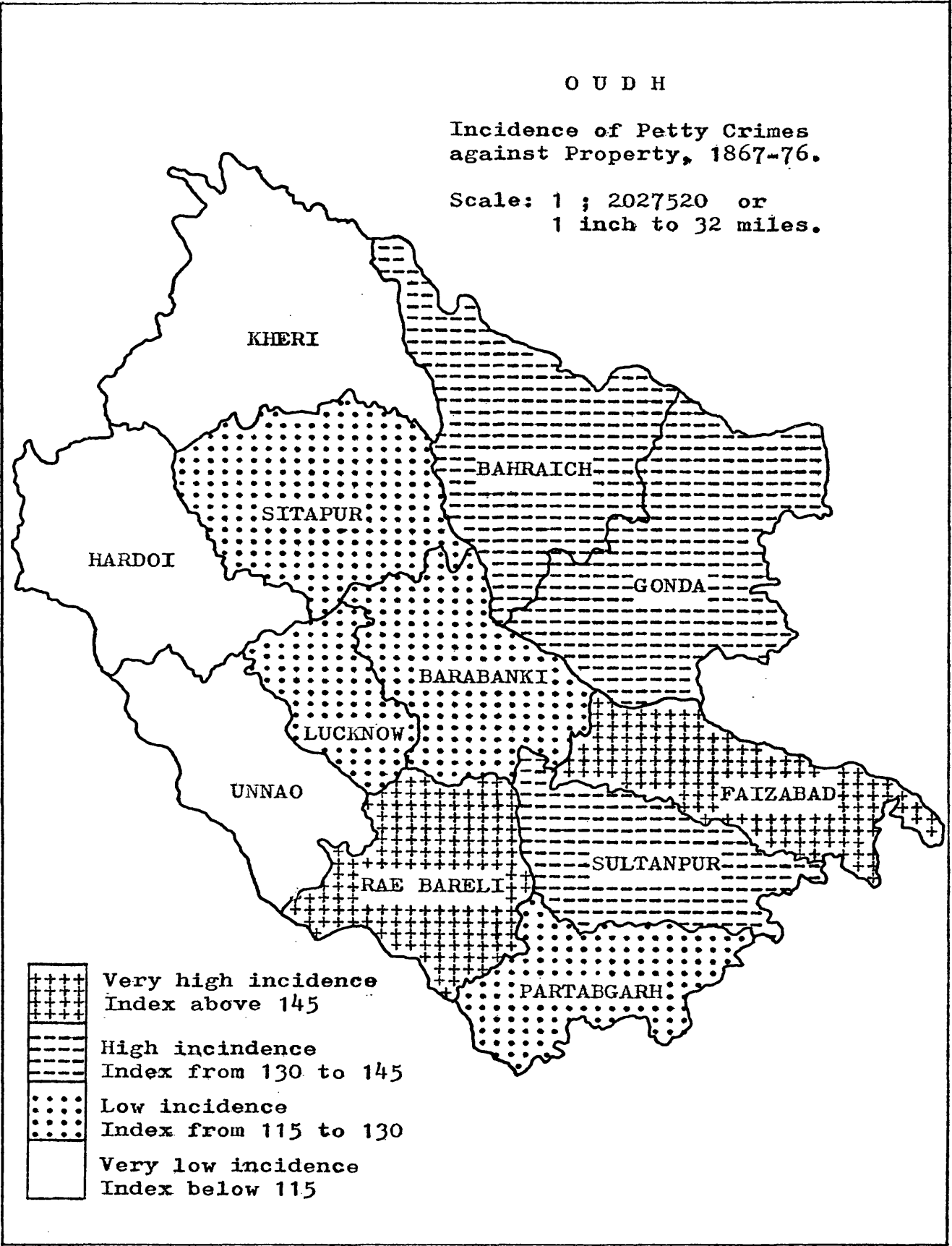
181. Williams, op.cit. i, 74.

182. JC to SCC, 22 May 1866, IJPr, November 1866, 17A.

183. See chapter 4, supra.

184. See chapter 4, supra.

Map 6.3



1876. They could carry only 11.5 per cent of all the reported cases to a successful conviction.¹⁸⁵ As a result they inspired little confidence among people.¹⁸⁶

The distribution of theft over the districts followed almost the same pattern as that of crime in general as can be seen in table 6.22. and 6.23. and map 6.3.

TABLE 6.22.¹⁸⁷

Incidence of petty crimes against property in the districts

District	Mean incidence of theft per million people	Index with Kheri as 100	Order of incidence of theft	Order of criminality
Rae Bareli	6,388	165	1	2
Faizabad	6,146	159	2	1
Gonda	5,573	144	3	4
Sultanpur	5,396	139	4	3
Bahraich	5,175	131	5	5
Sitapur	4,945	128	6	7
Lucknow without city	4,825	125	7	6
Partabgarh	4,734	122	8	9
Barabanki	4,498	116	9	8
Hardoi	4,257	110	10	10
Unnao	4,097	106	11	11
Kheri	3,871	100	12	12
Lucknow city	4,482	116	-	-
Provincial average	5,051	130	-	-

185. PAR, 1871-72, 61.

186. SCC to IG, 1 August 1872, PAR, 1871-72.

187. The data for the table 6.22 and 6.23 are extracted from PARs 1867-76.

TABLE 6.23
Distribution of petty crimes against property over different districts

District	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876	mean annual incidence per million people
Lucknow city	1,073	1,158	1,576	1,323	1,236	1,829	1,443	1,276	1,007	842	4,482
Incidence per million	3,768	4,066	5,534	4,645	4,340	6,422	5,067	4,480	3,336	2,957	
Lucknow district excluding city-cases	2,740	2,755	3,389	2,295	2,437	2,902	2,593	2,103	1,785	1,388	4,825
Incidence per million	5,429	5,458	6,715	4,468	4,828	5,750	5,137	4,167	3,537	2,750	
Unnao	2,036	2,965	4,226	3,032	3,792	5,086	4,672	4,157	4,909	3,861	4,097
Incidence per million	2,173	3,314	4,467	3,205	4,199	5,377	4,938	4,395	5,189	4,081	
Barabanki	2,917	3,962	5,190	5,396	5,848	8,632	6,831	4,458	3,691	3,105	4,498
Incidence per million	2,622	3,562	4,667	4,852	5,258	7,761	6,142	4,008	3,319	2,792	
Sitapur	2,574	2,911	4,281	4,233	4,169	6,439	6,416	4,659	5,016	5,444	4,945
Incidence per million	2,759	3,120	4,589	4,537	4,469	6,962	6,877	4,994	5,376	5,835	
Hardoi	2,829	4,269	4,679	3,085	3,340	5,565	4,669	3,839	3,384	3,224	4,257
Incidence per million	3,097	4,624	5,123	3,378	3,657	6,093	5,112	4,203	3,705	3,530	
Kheri	1,755	2,003	3,197	3,025	2,579	3,416	4,152	2,781	2,889	3,091	3,871
Incidence per million	2,147	2,451	3,912	3,702	3,156	4,180	5,081	3,403	3,536	3,783	
Faizabad	4,800	6,630	7,750	7,504	6,716	9,853	7,382	6,022	5,835	5,150	6,146
Incidence per million	4,682	6,448	7,561	7,321	6,552	9,612	7,202	5,875	5,692	5,024	
Gonda	4,363	4,904	6,608	6,086	6,356	9,241	9,187	7,702	5,180	5,374	5,573
Incidence per million	3,740	4,204	5,665	5,217	5,449	7,922	7,876	6,603	4,440	4,607	
Bahraich	2,776	3,091	3,129	3,475	3,769	5,441	5,360	4,790	3,956	4,317	5,175
Incidence per million	3,583	3,790	4,034	4,486	4,865	7,024	6,919	6,184	5,107	5,573	
Rae Bareli	3,534	4,642	6,176	6,485	6,901	9,526	8,608	5,308	6,049	5,953	6,388
Incidence per million	3,573	4,694	6,245	6,557	6,978	9,632	8,704	5,366	6,116	6,019	
Sultanpur	4,155	6,345	6,182	4,647	5,303	7,852	6,385	4,552	4,420	4,142	5,396
Incidence per million	4,135	6,342	6,180	6,665	5,301	7,849	6,383	4,550	4,419	4,141	
Partabgarh	2,663		3,562	3,533	4,037	5,242	4,510	3,008	3,166	3,323	4,736
Incidence per million	3,402		4,551	4,514	5,158	6,697	5,762	3,843	4,045	4,246	

All the districts with more than the provincial average incidence of petty crimes against property occupied the first five positions in order of incidence of all cognizable crimes. Only the relative position of the City of Lucknow had materially altered. Its incidence of all cognizable crimes was the highest in the province but it comes after eight other districts in incidence of theft. It might have been so because of the numerous violations of municipal by-laws. Observance of such by-laws in the big and capital city must have been energetically enforced. The position of no district in both orders varies more than one place. The same causes generally affected the regional distribution of both petty crimes against property and all cognizable crimes.¹⁸⁸

The sum of all crimes other than theft and burglary formed a very small proportion, only seven to nineteen per cent, of the total cognizable crime. Table 6.24 and chart 6.8. illustrate their incidence from 1859 to 1877.

There was a decline in such crimes over the initial period of two years. After 1861 they registered a steady rise throughout the period under study except for a marginal decline in 1863 and 1873. The decline was so little in fact that the curve delineating them does not acquire a jagged look; it only seems to stagger. This rise was especially steep in 1866, 1868-69, 1871-72, 1875 and 1877.

188. See pp. 328-35, supra.

CHART 6.8.

All cognizable crimes other than petty crimes against property 1859-77 - number of cases per million of population

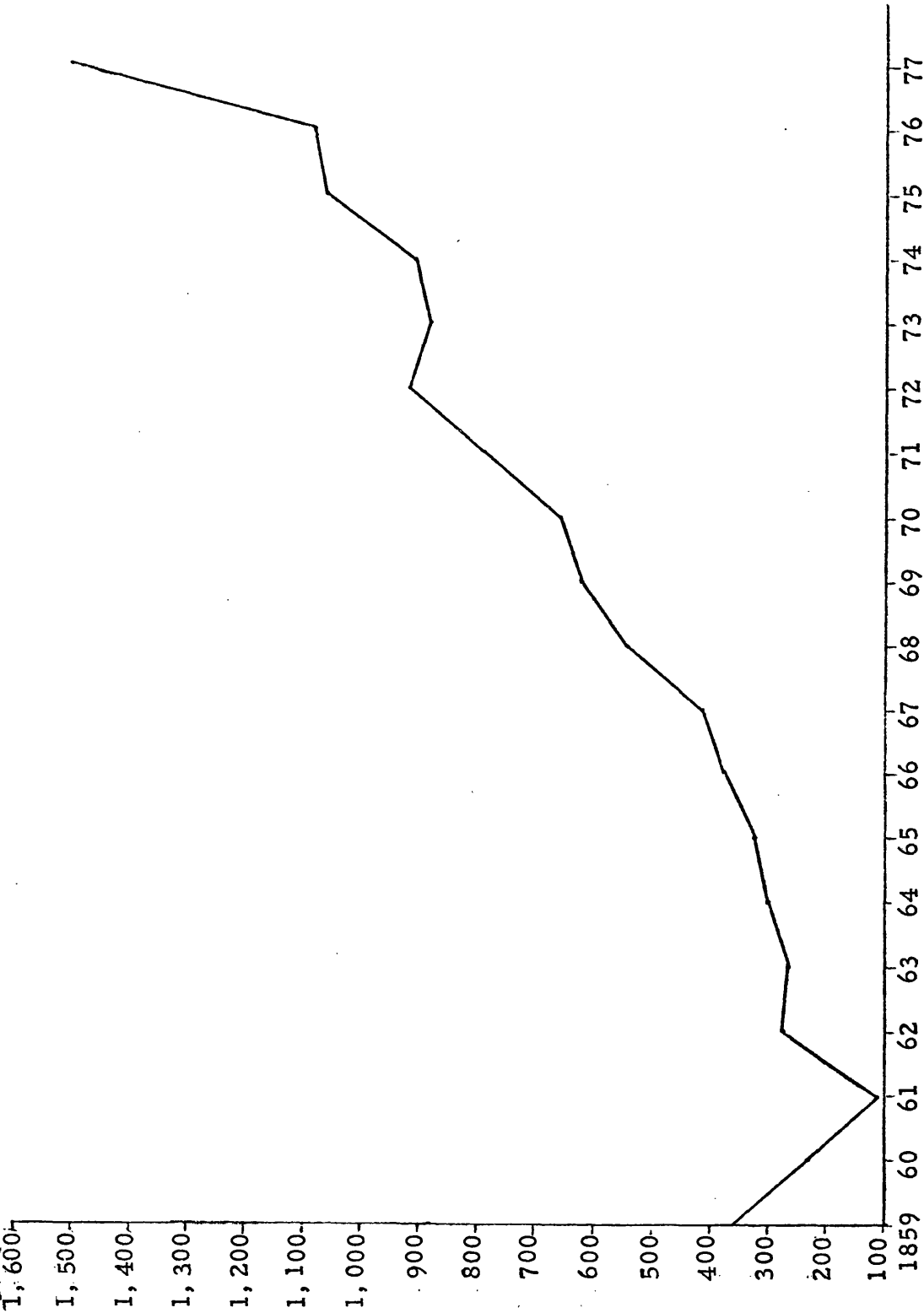


TABLE 6.24.¹⁸⁹

Incidence of all crimes other than petty crimes against property

Year	Cognizable offences other than theft and burglary	Growth over preceeding year in p. c.	Incidence per million people
1859	3,950	-	353
1860	2,638	-33.21	236
1861	1,152	-56.33	103
1862	3,089	168.14	276
1863	3,021	- 2.2	270
1864	3,384	12.01	303
1865	3,560	5.2	318
1866	4,227	18.73	378
1867	4,632	9.58	414
1868	6,032	33.1	540
1869	6,926	14.82	620
1870	7,390	6.69	661
1871	8,877	20.2	794
1872	10,339	16.46	925
1873	9,932	- 3.93	888
1874	10,193	2.62	912
1875	11,895	16.69	1064
1876	12,150	2.14	1087
1877	17,088	40.64	1527

The curve in chart 6.8, showing the incidence of all crimes other than theft and burglary, is very different from the curves in charts 6.6 and 6.7 illustrating all the cognizable crime, petty crimes against property and riots. The decline in all crimes other than

189. The data for the table are extracted from AARs and PARs 1859-77.

theft and burglary in 1860-61 was not matched by a similar tendency in all cognizable offences or petty crimes against property. The periods of prosperity did not have any moderating influence on the former set of crimes as they had had on the latter two, except to a very limited extent in 1873. On the contrary, 1875, a year of better crops and lower prices than many earlier years, saw a steeper rise in them than in the past few years.

The rising tendency of such crimes is difficult to explain fully. The earlier decline might have been caused by the gradual return of the province to a settled state after the Revolt. The possibility of an especially imperfect reporting of such crimes in 1861 cannot be discounted because their levels in 1860, 1862 and the following few years are generally similar, giving the curve a much flatter appearance up to 1867.

After 1867, when the curve adopted a steeper course, there was a general rise in offences against the laws relating to excise, salt, railways, state carriages and stamps and against laws relating to nuisance. There was also a rise in minor offences such as mischief and similar offences, vagrancy and bad character. As the administration settled down to a set routine after the reoccupation and as the needs of local situation were properly assessed, the laws and by-laws relating to these subjects were made more numerous and elaborate. Their enforcement also became more strict. The greatest increase was recorded in the violations of the local by-laws against nuisance as a result of the anxiety of the authorities to improve life and make better conservancy arrangements in the urban areas. Table 6.25. illustrates the incidence of violation of such laws and by-laws from 1867 to 69.

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TABLE 6.25.

Incidence of the violations of miscellaneous tax and other laws, 1867-69

Year	Offences against laws relating to excise, salt, railways, state carriages & stamps	Mischief and similar offences	Vagrancy and bad character	Violation of local laws against nuisances	Total of columns 2 to 5	Increase over the preceeding year	Increase of all crimes except theft over the preceeding year
1867	325	262	385	1,559	2,548	-	-
1868	444	415	351	2,345	3,558	1,010	1,400
1869	497	462	369	2,784	4,112	554	894

The classification of crimes for the purposes of making crime returns was standardised in 1869. A new standard form, based on the Penal Code, was introduced for such purposes.¹⁹¹ Offences in class IV in the new form included minor offences against the person such as simple hurt, wrongful confinement, compulsory labour and rash act. Class VI in the form included offences such as those against laws relating to salt, excise, stamp, railways, state carriages, nuisances, offences against religion and vagrancy. Both the classes of offences show generally a rising tendency after 1868 as is exhibited in table 6.26.

190. The data for the table are extracted from PAR, 1869-70.

191. PARs, 1869-70 and 1870-71.

TABLE 6.26.¹⁹²

Incidence of the violations of miscellaneous tax and other laws 1869-70.

Classes of offences	1869	1870	1871	1872	1873	1874	1875	1876
Class IV including minor offences against person like simple hurt, wrongful confinement, rash act and compulsory labour	120	143	135	105	105	1,843	3,162	3,363
Class VI including vagrancy, offences against religion and laws relating to salt, excise, stamp, railways and state carriages and nuisance	3,807	3,639	4,343	5,199	4,070	3,785	4,372	4,913
TOTAL of Classes IV and VI	3,927	3,782	4,478	5,304	4,175	5,628	7,534	8,276
Increase over preceding year	-	- 145	696	826	-1,129	1,453	1,906	742
Increase over preceeding year in all crimes other than theft and burglary	-	465	1,487	1,462	-407	261	1,702	255

The offences detailed in tables 6.25. and 6.26. were not necessarily related to poverty. The sudden increase in class IV offences after 1873 was due to a change in the law making simple hurt a cognizable offence.¹⁹³ But for that portion of the increase, the rate of crimes other than petty ones against property would have registered a fall in the prosperous years of 1874 to 1876.

Crimes like Sati and female infanticide, having their origin in the religious beliefs and social practices of the people, were prevalent

192. The data for the table are extracted from PARs, 1872-73, 62; 1875-76, 50 and 1876-77, 24.

193. PAR, 1874-75.

since the days before the annexation. The Kings of Oudh, under the pressure of the British government, had indicted them but no significant measures were adopted to root out those crimes.¹⁹⁴

There used to be, on average, 6.28 cases of Sati in Oudh every year from 1848 to 1854.¹⁹⁵

The practice of Sati continued for some time after the annexation. No statistics are available for the pre-Mutiny period of British rule. But in Bahraich division alone three or four cases occurred during that period.¹⁹⁶

After the reoccupation the crime of Sati assumed serious proportions. In the summer of 1860 several cases occurred. Five cases of Sati and three attempts were recorded in that year. It is possible, as some officers thought, that the superstitious belief in the wrath of God, generated by a severe epidemic of Cholera that swept across many parts of Oudh in the summer of that year, might have caused many of them.¹⁹⁷ Even some of the policemen, who shared in the popular beliefs and who dared not invite the curses of frustrated widows, connived at the performance of some cases of Sati or even took an active part in helping in the performance of the crime though they had been detailed to prevent it.¹⁹⁸

194. Wingfield to Canning, 31 December 1860, Canning Papers.

195. General abstract of crime committed in Oudh, IPFPr, 28 December 1855, 317.

196. Wingfield to Canning, 31 December 1860, Canning Papers.

197. Ibid.; JC to SCC, 3 May 1861, IFJPr, August 1861, 322.

198. SCC to all CRS, 4 June 1860, IPFPr, April 1861, 142.

The response of the administration was swift and decisive. Some district magistrates, who tended to be lenient in punishing this crime on the grounds that it would be unjust to be very severe at once against a practice prevalent in Oudh for generations, were sharply pulled up.¹⁹⁹ Wingfield wholeheartedly shared the belief of E.C. Bayley, the officiating Judicial Commissioner, that only a most severe punishment would deter people from such a practice.²⁰⁰ The Sessions Judges were directed to award heavier sentences than were usually awarded under Regulation XVII of 1829.²⁰¹ Consequently the judges awarded such severe punishments that the Supreme Government had to intervene in some cases.²⁰² The course thus adopted by the administration and the vigilance of the police led to the disappearance of the crime from the province except for some rare and isolated cases occurring at long intervals.

The practice of female infanticide was much more difficult to curb. It was widely prevalent among the Rajputs of the province. Many villages had not witnessed the marriage of any Rajput girl in living memory.²⁰³ Some Rajput families boasted about not having given a girl in marriage for a thousand years.²⁰⁴ Many villages did not

199.CR Lucknow to JC, 16 May 1860, IPFPr, April 1861, 142.

200.JC to CR Lucknow, 28 May 1860, IPFPr, April 1861, 138; SCC to JC, 2 June 1860, IPFPr, April 1861, 141.

201.SCC to JC, 14 June 1860, IPFPr, April 1861, 143. Regulation XVII of 1829 made the aiding and abetting of Sati punishable by fine or imprisonment or both, at the discretion of the judge. The use of compulsion, violence or drugs to force any widow to commit Sati could be punished by death. Vide sections IV and V, Regulation XVII of 1829.

202.JC to SCC, 3 May 1861, IFJPr, August 1861, 322.

203.PAR, 1865-66, 196; IG to SCC, 20 February 1867, IPPr, June 1867, 6.

204.PAR, 1867-68, 58; IPPr, August, 1868, 1.

have a single Rajput girl in their population.²⁰⁵ Some officers suspected that few of the other castes, such as Brahmans and Ahirs, also practised the crime.²⁰⁶ Such suspicions were, however, never substantiated.

The practice was far more prevalent among the higher sub-divisions of Rajputs. There were 439 sub-divisions of them in Oudh though quite a few of these had only one or very few families in the province.²⁰⁷ Among the most notorious were the Somvanshis of Hordoi, the Bais of Baiswara, and the Rajkumars, Bisens, Kalhans, Suryavanshis and Bachgotis of eastern Oudh.²⁰⁸ Districts with the greater proportion of high status Rajputs were the more affected by the crime. Rae Bareli, the home of the Bais, the bluest among the blue-blooded of the Oudh Rajputs, was the worst affected district.²⁰⁹ The others in order were Gonda, Sultampur and Barabanki. Kheri and Lucknow, with a low proportion of high status Rajputs were the least affected districts.²¹⁰

The practice of female infanticide was social and economic in origins. It had no religious sanction at all. In fact it was a crime which the people detested very much; even the Rajputs would have been glad to get rid of it.²¹¹ The principal reason for it was the system of

205. ASCC to SFD, FJC, Part B, October 1863, 21-22.

206. PAR, 1867-68, 58, IPPr, August 1868, 1; PAR, 1868-69.

207. SCC to SFD, 10 April 1872, IPPr., May 1872, 3.

208. PAR, 1865-66, 198; Memorandum of F. Currie, 15 October 1868, IPPr February 1870, 9; PAR, 1866-67, IPPr, June 1867, 16.

209. PAR, 1871-72, 183.

210. IG to SCC, 23 March 1872, IPPr, May 1872, 3.

211. AAR, 1871-72, 236-37.

hypergamy among the Rajputs. The anxiety for a son-in-law among the higher sub-groups of the caste created keen competition. This competition tended to increase the demand for a dowry and limited the choice of bridegrooms for the daughters of higher status Rajputs. The inability to pay a huge dowry and spend large sums in pageantry and festivities at the time of the marriage would force many a girl to a life of celibacy. She would thereby bring lasting dishonour and shame on her family.²¹² The fear of such an eventuality was at the root of the evil practice of female infanticide.

The authorities in Oudh and elsewhere in India laid great emphasis on reducing the demand for a dowry as a principal remedy for the evil. Such efforts did not succeed.²¹³ As a matter of fact they could never have succeeded. The reason was that the system of dowry itself was a by-product of the practice of hypergamy, so deeply embedded in the thinking of people of high caste. If the demand for a dowry was the only, or the most important, cause of female infanticide, it would be difficult to explain the widespread practice of purchasing brides from professional kidnappers by Rajput bachelors.²¹⁴ The artificial shortage of girls created by infanticide forced them to resort to the practice of bride-purchase.

The inordinate pride of the Rajputs also helped significantly in the growth of the crime. According to Hindu social customs the bride's family assumed an inferior position socially to that of the groom.²¹⁵

212. Memorandum of F. Currie, 15 October 1868, IPPr, February 1870, 9.

213. Ibid.

214. JC to SCC, 22 May 1866, IJPr, November 1866, 17A.

215. Memorandum of Currie, 15 October 1868, IPPr, February 1870, 9.

The comparative position of the bride's family can be judged by the fact that Sala and Sasur, Hindi words for brother-in-law and father-in-law have become the words of abuse.

Such a situation was very galling to the proud Rajputs. Some of them preferred to kill their infant daughters than to face it.

The fact that the crime could rarely be detected or conclusively brought home to its perpetrators helped its widespread practice. When the Rajputs knew that they were being watched by the government, instead of killing their daughters immediately after their birth, they used other methods which were equally effective, even if more cruel. Exposure to the cold of a January night or to the heat of a June sun, the slow administration of drugs, the denial of nourishment and medical care when sick and a seemingly accidental fall from a lap would bring about the desired end equally effectively.²¹⁶ The authorities were elated when they found in 1865 that the proportion of girls below twelve months of age was significantly higher than that of those of four years or more of age.²¹⁷ But very nearly the same proportions for similar age groups were found to exist a few years later.²¹⁸ It was obvious that the mortality of girls between one and four years of age had suddenly increased.²¹⁹

Such a widespread practice was bound to have its ill effects on society. The resultant disproportion between the sexes forced many Rajputs to a life of bachelorhood. Enforced celibacy of this type created personal and social tensions. Rajput bachelors

216. IG to SCC, 18 May 1865, IPPr, September 1865, 4.

217. PAR, 1865-66, 193-196.

218. AAR, 1868-69, 98.

219. Memorandum of Currie, 15 October 1868, 40, IPPr, February 1870, 9.

were known to commit adultery with married women and to establish liaisons with the widows of their villages.²²⁰ The practice of keeping low caste mistresses was not unusual among them.²²¹ Such practices would inevitably give rise to the problem of bastards. In the strictly orthodox society of Oudh these practices created serious, though local, tensions.

A significant by-product of female infanticide was the crime of kidnapping girls. Nearly all the authorities agreed that the kidnapping of girls in Oudh was practised to provide girls for marriage to Rajput bachelors; only in Lucknow city was it done to supply girls for prostitution.²²² There was a systematic network of kidnappers and depots for lodging the girls pending the availability of a purchaser. Sometimes the girls were purchased from needy parents by middlemen.²²³ The girls, with the prospects of a good marriage, would fully cooperate with their kidnappers and frustrate the attempts of the police to bring the latter to book.²²⁴ The purchaser-bridegroom usually made only superficial enquiries about the parentage and caste of the girls.²²⁵ These enquiries would be much more summary if the intermediary were a Brahman. This gave Brahmans a distinct edge over other kidnappers and, consequently, the majority of such criminals belonged to that caste.²²⁶

Rajputs were looked down upon by people of other castes for their practice of female infanticide. It must have been very demoralising

220. PAR, 1865-66, 196; IG to SCC, 20 February 1867, 165, IPPr, June 1867, 16; PAR, 1873-74, 16.

221. PAR, 1867-68, IPPr, August 1868, 1; JC to SCC, 11 March 1867, IJPr, July 1867, 27, Appendix; PAR, 1873-74, 66.

222. JC to SCC, 11 March 1867, IJPr, July 1867, 16.

223. CrJAR, 1873-74, 25.

224. JC to SCC, 11 March 1867, IJPr, July 1867, 27 Appendix.

225. IG to SCC, 20 February 1867, IPPr, June 1867, 16; AAR, 1870-71, 40.

226. CrJAR, 1866, IJPr, July 1867, 27, Appendix.

for them. On being questioned by Colonel Sleeman about the paucity of Sati stones commemorating the sacrifice by Rajput Satis in the past, the old Bakhtavar Singh explained that the stricken conscience of the Rajput mothers, who had killed their own offspring, would not permit them to perform the 'holy' deed; this explanation might as well have been true.²²⁷

Though the crime was reported by Colonel Sleeman to be widely practised in Oudh no attention was paid to it by the administration until 1861. When the officiating Chief Commissioner, George Yule, made enquiries in that year and found it to be prevalent in Oudh, he initiated measures to eradicate it.²²⁸ These attempts in Oudh followed the same course as they had done in the North-Western Provinces and elsewhere. At first Yule tried to combat it by persuasion and exhortation, backed by his own personal influence with the Taluqdars. He was able to muster the enthusiastic cooperation of the latter in the cause.²²⁹ He even brought in the enormous personal influence of Canning over the Taluqdars to bolster his own efforts. Canning paid a flying visit to Lucknow to exhort and stimulate the Taluqdars into action.²³⁰ The Taluqdars Committee resolved to limit marriage expenses and to ex-communicate the families which practised infanticide. They further resolved to force their tenants to sign covenants not to practice infanticide.²³¹

227. Reeves: Sleeman In Oudh, 286, Bakhtavar Singh was the uncle of Man Singh. He was the founder of the family's fortune.

228. SCC to SFD, 7 October 1861, East India (Oude) Papers, 20 February 1865, 62; Yule to Canning, 15 August 1861, Canning Papers.

229. Canning to Yule, 29 August 1861 and Yule to Canning, 20 September 1861, Canning Papers.

230. Canning to Wood, 18 October 1861, Wood Collection; Yule to Canning, 15 August 1861, Canning Papers; AAR 1861-62, 75.

231. AAR, 1861-62, 75. The Indian Government had scruples about ex-communication as it apprehended that religious sentiments of the people would be hurt by it.

Officers were ordered to exert their influence as much as they could to help the Taluqdars in their effort.²³²

Such voluntary efforts were inadequate. There were Taluqdars who violated their own resolutions. Raja Rustam Shah indulged in lavish expenditure on the occasion of the marriage of his niece.²³³ Many landholders and their families, like the Raja of Sewaijpur in Hardoi district, were suspected of female infanticide.²³⁴ The Taluqdars were in no position to influence the demands for dowries on the part of the Rajputs the North-Western Provinces, Rajputana and Baghelkhand.²³⁵ Though the Oudh administration tried to influence the Rajputs of the North-Western Provinces through its Lieutenant Governor, its attempt did not meet with great success.²³⁶

But the greatest cause of the failure of the attempt to check the practice through the moral pressure and the personal influence of the aristocracy was that such attempts, by their very nature, were bound to be spasmodic and uneven. They were limited by the degree of the local influence of the individual Taluqdars, their personal character and their keenness to check the evil. Such sporadic and uncertain local effort might succeed locally and perhaps for a short time. Vigorous government action was needed for a permanent and universal check on an evil which had been practised for generations.

232. CC to all CRs, 5 September 1861, East India (Oude) Papers, 20 February 1865, 62.

233. AAR, 1862-63, 101.

234. PAR, 1865-66, 197.

235. Memorandum of Currie, 15 October 1868, 40, IPPr, February 1870, 9.

236. AAR, 1863-64, 112.

When the administration realised the fearful extent to which the evil was prevalent in Oudh it geared the official machinery into action. The registration of births and deaths of Rajput children was ordered. The police and the settlement officers were ordered to make random enquiries about the children in Rajput villages.²³⁷ The statistics of Rajput children in the suspected villages were collected and analysed every year.²³⁸ The Rajputs realised soon that they were under a close watch.²³⁹ In some districts like Rae Bareilly, the police enthusiastically launched prosecutions against the suspected persons. However, they did not succeed because of the difficulty of procuring legal evidence.²⁴⁰ Even though such steps made an impact, more systematic effort was obviously needed.²⁴¹

Besides the intensification of the surveillance of suspected villages and the personal inspection by police officials of sick girls, the administration ordered enumeration of all the Rajput children in Oudh in 1870. It was completed in the next year.²⁴² Meanwhile, a special law, Act VIII of 1870, was passed.²⁴³ It provided for the compulsory report of all pregnancies and of the birth and death of infant girls of the suspected clans by midwives, Chaukidars and even the parents. In case of a persistent disregard of the rules, extra police could be quartered in the affected areas. The proclaimed clans having a very low proportion of girls, were to bear all the expenses of enforcing the provisions of the Act.²⁴⁴ The Oudh

237. ASCC to SFD, 5 October 1863, Part B, October 1863, 21-22.

238. AAR, 1864-65 and later years; PAR, 1865-66, and later years.

239. IG to SCC, 18 May 1865, IPPr, September 1865, 4.

240. AAR, 1869-70, 421.

241. PAR, 1865-66, 193; PAR, 1867-68; PAR 1868-69, 550; PAR, 1869-70, 420; AAR, 1871-72, 230.

242. AAR, 1871-72, 230; DySCC to SHD, 26 October 1870, HPC, 10 December 1870, 10-11, PAR, 1871-72, 231.

243. PAR, 1869-70, 421.

244. Panigrahi, L: British Social Policy and the Female Infanticide in India, 152-153.

administration showed its determination to enforce the Act in areas with an exceptionally low proportion of girls. It was enforced in Jagatpur thana of Rae Bareilly district, where, due to an unfortunate clerical error, the proportion Rajput girls was estimated at only 14 per cent of all children. The extra police quartered there at the cost of the local Rajputs under the Act was withdrawn as soon as it was discovered that the girls actually formed more than 40 per cent of all the children.²⁴⁵

The strict surveillance and vigilance of the police, the enumeration of all the children, the passage of the Act VIII of 1870 and the will of the administration to enforce it, as was proved by the Jagatpur incident, had the desired effect. The incidence of the crime rapidly declined. By 1877, the Lieutenant Governor was able to declare that female infanticide was not rife in Oudh.²⁴⁶ Still the administration was not willing to relax its vigilance; 'the memory of the custom should die with the custom.'²⁴⁷ Of course, it was a wise policy.

The most remarkable aspect of the success of the administration was that this civil practice was suppressed without any oppressive measures and with but slight annoyance to the people.²⁴⁸ Very few prosecutions were launched; no punitive measures, except the one at Jagatpur, were adopted. It was creditable indeed to the local administration and its police that they showed maturity, patience and circumspection in dealing with a crime so deep rooted among the Rajputs.

245. PAR, 1872-73, 238-47.

246. AAR, 1876-77, 34.

247. IG to SNWP, 15 May 1877, PAR, 1876-77.

248. PAR, 1871-72, 174.

There was no significant offences of a political nature in Oudh during the period under study. It was but natural that after such a widespread revolt the officers were very cautious. They viewed with suspicion anything which could not be immediately explained and thus raised many a false alarm. When it was found that some mysterious letters were being circulated in Oudh in 1859-60, purporting to warn people of sickness and the wrath of God, the district officers attached political significance to them although a more simple explanation was that the letters referred to the Cholera that was raging in the province in 1860.²⁴⁹ The Muslims were the special object of attention and any unusual movement or happening among them was closely watched.²⁵⁰

The criminal elements in Oudh did not fail to make capital of the natural suspicion of the people towards the government while the memories of the revolt and its attendant horrors were still fresh in their minds. A rumour was given widespread currency in Oudh in 1862 that a Sati at Allahabad had prophesied the end of British rule unless all villages in Oudh were burnt down. The resultant panic led many credulous people in Oudh to sell their belongings at throw away prices.²⁵¹ Many criminals, taking advantage of the panic, appeared in villages posing as government officials deputed to burn them and collected money for sparing the houses. Vigorous government action put a stop to such exactions and restored the confidence of the people.²⁵²

249. AAR, 1859-60; Canning to Wood, 4 June 1860 and Barrow to Beadon, 28 May 1860, Wood Collection.

250. Elgin to Wood, 2 June 1862, and 17 June 1862, Elgin Collection; AAR, 1862-63 and 1863-64.

251. Yule to Durand, 2 June 1862, Wood Collection.

252. Ibid. Yule to Durand, 15 June 1862, Wood Collection; SCC to SFD 21 June 1862, IPFPr, June 1862, 62.

The Europeans, both official and non official, and local Christians were equally jittery for some time. Their worst suspicions were fanned by the Oudh Gazette. Such alarms were intensified by the approach of Id and Moharram.²⁵³ The Oudh Gazette often published precise dates for projected uprisings.²⁵⁴ Such rumours often caused panic even among the military officers.²⁵⁵

However, the administration refused to be panicked into hasty and ill-considered actions. It never lost sight of the urgent need of keeping mutual suspicions and hostility in check. The Chief Commissioner strictly ordered the police not to rush into every case of reported treasonable activity until an urgency for such action existed. The police was instructed to report minutely on the nature of the information available and await orders from senior officers.²⁵⁶

The Oudh administration could obtain mixed results in their efforts to combat crime. The incidence of violent crimes was reduced significantly and was kept in check. However, the administration failed to provide effective security to property against thieves and burglars. The nightly vigil of people, who lived under the constant apprehension of losing their meagre belongings, must have caused an enormous strain. However, the bulk of the agriculturists of the province were hard-working and law-abiding people. They were the least given to crime. It was the Brahmans the Rajputs, the Muslims and the Pasis, who had been the greatest

253. Ibid.

254. Ibid.; Elgin to Wood, 9 June 1862, Wood Collection.

255. Elgin to Wood, 17 June 1862 and 22 June 1862, Elgin Collection.

256. SCC to SFD, 5 June 1861, IPFPr, June 1861, 292.

losers by the change in the rulers of Oudh, who produced the largest number of criminals. Still, in spite of such a high incidence of crime and an appalling level of poverty, the people were not disorderly and had a healthy respect for law. This is evidenced by the rapidity and completeness which characterised the restoration of order within a short period after decades of misrule followed by a widespread revolt. It was further proved by the much easier suppression of such crimes as Sati and female infanticide in Oudh than elsewhere in the country.

CHAPTER 7

Some Conclusions

The British Government annexed Oudh on the plea that the law and order had broken down and that the people suffered at the hands of criminals, government officials and the unruly aristocracy. Colonel Outram was ordered by Dalhousie's government to make the restoration of law and order his primary concern.

This however, could not be. The efficiency and effectiveness of the Oudh administration before the outbreak of the Revolt of 1857-58 was vitiated by ugly and unbecoming quarrels among senior officers. The pacification of the province was neglected; no effort was made to gain the confidence and loyalty of the people. The assessment and collection of revenue was given priority over the pacification and reconciliation of the people. Consequently, during the course of seventeen months after the annexation the administration made the chief sections of the local population hostile and embittered. When the disturbances broke out in May-June 1857, the mutineers could hardly have found people more responsive to their call.

The process of pacification and the restoration of law and order after the reoccupation of the province proved to be reasonably quick and easy despite the misgivings of most of the officers to the contrary. It was expedited by a far-sighted policy of conciliation supported by a judicious amount of coercion. A conscious policy of reconciling the landed aristocracy, originated in a shrewd assessment of the local situation, was the greatest single factor, apart from the exertions of the army, in the quick pacification of Oudh. The success of this policy, however, gave a lasting elitist bias to the administration, the results of which in many spheres of society and government were not happy.

After two decades of British rule in Oudh, the government had succeeded in keeping serious crimes in check and reducing them to the level obtaining in other provinces. Failure was confined only to the crime of rioting and unlawful assembly for which Oudh was notorious; though its incidence had come down significantly, it was still high in 1876. But the violence that had characterised the Oudh scene before 1856 was successfully put down. The crimes such as murder, dacoity, robbery and grievous hurt were kept in check; dreaded crimes such as thagi, Sati and female infanticide were rooted out. In short, crimes against the person were effectively checked.

The same, however, cannot be said of property. The greatest failure of the government lay in the great proliferation of petty crimes against property. Though in the absence of records a correct estimate of their increase since the end of the King's rule cannot be formed, nearly all the officers thought that there had been a manifold increase after the annexation. It can be readily admitted, as police officers usually pointed out, that the vast majority of cases of theft involved a very trifling amount of property. But it must also be borne in mind that the vast majority of people in Oudh were extremely poor; a trifling amount of stolen property might constitute the whole of their belongings. The ever present anxiety to save it from being stolen must have been an enormous strain on them. For them the vaunted claim that the British administration made person and property secure would have meant very little.

The government failed to recognise that many of its own mistakes of omission and commission were responsible for such a state of affairs. An examination of the statistics compiled by its own

officers indicates that the largest number of criminals were Pasis, Rajputs, Muslims and Brahmans in that order. They were precisely the classes the livelihood of a large number of whose members was adversely affected by the annexation and the consequences of the Mutiny. At a conservative estimate, Oudh had about 300,000 persons in the early 'sixties who had lost their employment. They constituted more than eight per cent of the male population above the age of twelve years in Oudh. They were mostly in the most active and productive stage of their lives. The Oudh economy was not in a condition to absorb so many people without the help of the government. Though Montgomery's scheme for the construction of roads provided them with temporary means of employment as unskilled labour while it lasted, it did not provide any permanent solution.

Agriculture alone in this predominantly agricultural province could absorb this army of people thrown out of work. But the administration, in its elitist mood, would not even think of arranging with the landholders to enable the unemployed to take to agriculture. The government let out vast areas of waste land in northern Oudh for colonisation. Even there the allotment of land was made in big pieces to Europeans and other big holders. A deliberate policy of settling on waste land even a part of the people who had lost their employment would have gone a long way in keeping down thefts.

The new land policy after the reoccupation increased the levels of affluence and poverty in Oudh. The mass of the peasantry of the province was reduced to the level of tenants-at-will. They were left completely at the mercy of the landholders who could rack rent them without a check. The landlords absorbed the agricultural

surplus to such an extent that many ryots were driven to crime just for survival in years of agricultural distress. The government obtained political security by the attachment of the grateful class of landed aristocracy at the cost of the sufferings of the agricultural population and the consequent increase in crime.

A determined attempt was made to evolve a new system of police in Oudh after the Revolt. The corruption, oppression and inefficiency of the pre-Mutiny police had been engaging the attention of the authorities in India and London for a long time. Montgomery developed a new police after the reoccupation, with the Sindh Police, organised by Sir Charles Napier, as the prototype. He and Canning, who had initially been a little sceptical of the Sindh model, were so impressed by its performance in 1858-59, that they became very confident that it would prove to be an efficient agency for the maintenance of law and order. It was also expected that its military discipline and training would keep it away from the traditional abuses of the old police. It showed early promise and nearly all of its features were incorporated in the Police Act of 1861. But having set the pattern of the Police reform in India, the new police gradually lapsed into the abuses of the old.

Its greatest failure was that it could not gain the confidence and cooperation of the people, without which no police can discharge its functions effectively. The policemen adopted an overbearing attitude towards the people. They could not, and in fact did not, identify themselves with the people and remained an instrument of the government for keeping the local population in order. They functioned by working upon the fear of the people. The latter avoided any contact with them if they could help it. This fear was

heightened by the oppressive behaviour of the police. The findings of the Torture Commission of Madras would not have been far out of the mark in many respects in respect of the behaviour and methods of investigation of the Oudh Police. Added to such behaviour was the endemic nature of corruption in the force. This remained as much the problem with the new police as it was with the old.

The administration failed to realize that the police needed, like any other professional organisation, thorough professional training. Formal police training was generally confined to military drill and exercises. Hardly any systematic attempt was made to train them in police methods. The illiteracy of the vast majority of the policemen was another stumbling block. As a result the police often failed to rise to the expectations of judicial officers who entertained great suspicion about it and the methods that the policemen used.

The old institution of the rural police was quite disorganised by the injudicious and romantic ideas of Wingfield, Yule and other Chief Commissioners about their status and about the proper method of remunerating them. Moreover the traditional system suited their bias in favour of the landholders. They singularly failed to realise the change in the circumstances in Oudh after its annexation. As a result discontent prevailed among the Chaukidars. The degree of discontent that prevailed among them in various regions was clearly reflected in the incidence of petty crimes against property.

A determined effort was made by the Government of India after the

suppression of the Revolt to simplify the laws and judicial procedure so as to make them more acceptable to the people and more effective. The Penal Code, the Criminal Procedure Code and the Police Act put the laws relating to crime and criminals on a definitive footing. But they were still too complicated for the simple people of Oudh who had been accustomed to a rough and summary type of justice. The cold and impersonal atmosphere of the distant court rooms where the proceedings were conducted according to an unfamiliar and complicated procedure and often in a strange language, the trouble and the cost of travel to the courts and the exactions of the corrupt Amla still made them try to avoid involvement in judicial proceedings. The judicial system still failed to evoke their confidence.

Many such defects could have been remedied by decentralising the judicial system. In fact an effort in that direction was made, though for a very different reason, by the appointment of Honorary Assistant Commissioners. This pioneering experiment, with an immense potential for benefitting the people, was made for essentially political reasons. It was primarily an extension of the elitist policy of the governments of Oudh and India. Its purpose was to bind the Taluqdars in close alliance to the government by sharing some administrative responsibility with them. Such a system of appointing Honorary Magistrates in the interior could have been a very important step in the direction of carrying the administration of justice to the people, instead of being otherwise, and to combat the sharp increase in petty crimes. But it did not outgrow the original purpose. Such offices remained a close preserve of the landed aristocracy. The administration never tried to look beyond their class for persons to be appointed as Honorary Magistrates. Their number remained stationery in the neighbourhood of fifty. The jurisdiction of most of them was confined to their estates. As a result most of the courts in Oudh

were based in Tahsil and district headquarters. The sheer distance between them and villages in the interior often handicapped the administration of justice.

No consistent policy of judicial punishments was developed in Oudh. The principal aim of punishments was deterrence. Hardly any attempt at the reform of criminals, except to a certain extent in the case of juvenile offenders, was made. Even this limited aim was often frustrated by the chronically overcrowded prisons, with little, or sometimes no, facility of putting the inmates to hard labour. The prison, police and judicial officers often had different opinions upon the deterrent aspects of imprisonment in Oudh jails. The proportion of convicts with a record of more than one conviction increased with the passage of time. This suggests that punishments were not deterrent. Even transportation was losing some of its terror. Many officers, both police and judicial, seemed to be convinced that the great increase in petty crimes against property was partly caused by insufficient punishment.

The financial difficulties, in which the Government of India found itself after the suppression of the Revolt were responsible for many of the shortcomings of the administration in Oudh. The strictest economy was imposed upon all branches. Only the minimum establishment could be maintained in all the departments. The Oudh administration was repeatedly compelled, against its better judgement, to reduce the police at a time when the incidence of crime was increasing at an alarming rate. The thana circles were too large in area because a reduction in their size would automatically require a larger number of officials. The salary

of the policemen was kept at a level which adversely affected their efficiency and uprightness. They could not have investigated a greater proportion of crimes than they did. It is noteworthy that from 1860 to 1876 they investigated only 41.3 per cent of all the reported cases of cognizable crimes. Such a low proportion of investigations could hardly have been conducive to the effective suppression of crime. It is surprising, indeed, that in spite of a drastic reduction in strength, the police managed to keep the occurrences of even the serious crimes in check.

A need for strict economy was responsible for many difficulties in the judicial administration also. With the introduction of the Codes in Oudh, the non-regulation character of its administration came to an end. Criminal law and procedure became as fixed and inflexible in Oudh as in the regulation provinces. Yet the form of the non-regulation administration was maintained till long after it had outlived its utility. The same set of officers continued to perform duties in all branches of administration. A separation of the judiciary from the executive would of necessity have entailed the appointment of more officers and thus would have cost more. This was one of the reasons for not abandoning the non-regulation form of administration until after the amalgamation of the province with the North-Western Provinces. The amalgamation resulted in some savings in administrative expenditure. The Supreme Government allowed these savings to be used to finance the separation of the judiciary from the executive.

The financial difficulties of the government were also responsible for the insufficient number of judicial tribunals in Oudh. The

proportion of courts in Oudh was low in respect both of population and of area. Their number did not keep pace with the rising tide of crimes and the resultant increase in criminal business. The Government of India permitted no increase in their number. The provision of a City Magistrate for Lucknow was made only on the express condition of a reduction in the number of Assistant Commissioners.

The Government of India obviously tried to tailor administrative expenditure to fixed ideas of revenue. It was not prepared to alter the structure of taxation so as to raise more money which could have been spent on an effective maintenance of law and order and suppression of crime, the most important branch of its duty. The financial considerations were held paramount over all others in the highest quarters of the Government of India even though it might result in the imperfect fulfillment of the pledges made in the annexation proclamation of 7 February 1856. It seemed to be satisfied so long as serious and violent crimes were kept under reasonable check. That millions of its subjects lived in Oudh under the considerable threat of losing their meagre belongings was obviously considered secondary to the need of economy in the police and judicial administration. Yet the irony was that such considerations were allowed to stand in the way of the proper administration of law and order in a surplus province; Oudh contributed a net amount of 13,000,000 rupees annually to the imperial exchequer.

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